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THE SIGNIFICANCE OF THE WISCONSIN INCOME TAX

FOR many years expert opinion in the United States has strongly condemned the state income tax. Despite the voice of authority, however, the legislature of Wisconsin passed an income-tax law in 1911, which has since stood the test of two assessments.

The Wisconsin income tax originated in an effort to find an equitable and efficient method of personal taxation. The operation of the general property tax has been steadily transforming it into a real tax—a tax on things rather than on persons. This tendency was believed in Wisconsin to be not altogether salutary. The property of many persons of wealth is situated in jurisdictions other than that in which they reside. These people, it was thought, owe some fiscal allegiance to the jurisdiction in which their persons are protected and their children are educated. The tax on property did not meet the requirements of the situation and, after the necessary constitutional amendment had been secured, a graduated income tax was adopted as the most available supplement to the system previously in force. The law was approved in July, 1911, and went into effect the following year. The first assessment, therefore, was made in 1912, based upon incomes of 1911.[1]

The Wisconsin law is applicable to persons living in Wis-

[1] For further details regarding the history and operation of the Wisconsin income tax see the Report of the Wisconsin Tax Commission, 1912, Chapters 3 and 4; K. K. Kennan, Wisconsin Income Tax Report, *Journal of Economics*, November, 1911; T. S. Adams, The Wisconsin Income Tax, *American Economic Review*, December, 1911.

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consin, to business transacted there and to income derived from property within the state. Where the business is taxed in Wisconsin any partner or shareholder residing in Wisconsin is exempt in his personal return from income taxed directly to the partnership or corporation. The rates are progressive, rising in the case of individuals and partnerships from one per cent on the first $1000 of taxable income to six per cent on taxable income over $12,000. For corporations the rate rises from two per cent on the first $1000 of taxable income to six per cent on income over $6000. The incomes of wife, husband and children under eighteen years of age are grouped together and the following deductions are allowed: $800 for an individual, $1200 for man and wife and $200 additional for each child entirely dependent upon the taxpayer for support. No deductions are provided for partnerships and corporations. Educational and benevolent institutions not conducted for pecuniary profit are exempt from the tax, as are insurance companies and all those public utilities which pay taxes directly to the state government. The yield of the tax is, of course, greatly affected by this withdrawal of insurance companies, steam railways, street railways and all gas and power companies associated with street railways. Since the first assessment, banks and trust companies have likewise been exempted from the income tax. This exemption is due to the fact that the income of most of these corporations is given proper weight in fixing assessments under the *ad valorem* tax imposed by the state government. Moreover, in the case of practically all of these corporations, the personal property tax would be sufficient to cancel the income tax. For it is provided by the statute that any personal property tax may be used as an offset or credit against the income tax. Thus a man with an income tax of $100 and a personal property tax of $70, pays his personal property tax and only $30 as income tax. It was found impracticable to make the income tax a complete substitute for the tax on personal property. On the passage of the income-tax law, however, all moneys and credits, household goods and farm machinery were exempted from taxation, thus leaving subject to the property tax only a few kinds of

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personal property, the most important of which are farm animals and the stock of merchants and manufacturers.

The administration of the tax is highly centralized, the assessment of corporations being made by the tax commission, and the assessment of partnerships and individuals by assessors of incomes appointed by the tax commission in accordance with civil service requirements. But the income tax is still predominantly a local tax. The administration only is centralized. The state government gets only ten per cent of the revenues collected and pays all expenses. Twenty per cent goes to the county government and seventy per cent to the town, city or village in which the tax is collected.

The first assessment was completed in the autumn of 1912. It naturally aroused no little irritation and the income-tax law was made the principal point of attack in the gubernatorial campaign which followed. But the attack failed. Governor McGovern, who made it his chief issue, was reëlected, and in the legislature of 1913, practically no effort was made to touch the income tax except to strengthen and improve it. The fiscal results of the first assessment may be briefly and rather baldly described as follows: (a) The total income assessed amounted in round figures to $100,000,000 and the income tax to $3,472,880, of which tax 68 per cent was assessed to corporations and 32 per cent to firms and individuals. The average tax rate upon corporations was 5.4 per cent and upon individuals 1.96 per cent. (b) The tax was much more productive in urban than in rural districts, 42 per cent of the entire tax being assigned to Milwaukee alone. Comparatively few farmers and laboring men were found to be subject to the tax, the exemption—which for man, wife and three children amounts to $1800—relieving these classes almost entirely of income taxation. The tax is borne for the most part by the more prosperous business and professional elements of the city communities. (c) Of the $3,472,880 assessed in 1912, $1,628,318 had been paid into the public treasury at the end of the collection season, $411,863 remained due and collectible on delinquent rolls, and $1,432,700 had been offset or canceled by payments of the personal property tax. The uncollected tax represents

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for the most part amounts which have been deliberately withheld by responsible companies pending judicial decision of a number of disputed points. (d) The cost of administering the tax in the first and probably most expensive year of its operation was $94,832. From this, however, should be subtracted at least $54,000, representing the equivalent of salaries previously paid to certain officers whose work has been taken over and better performed by the assessors of incomes. The net or real cost of the income tax was, therefore, in round figures, $40,000, making the tax one of the least expensive direct taxes anywhere collected.

I

The greatest discovery of the Wisconsin income tax is the non-political assessor of incomes. The law requires assessors of income to be selected in accordance with civil-service requirements and without regard to political affiliation. Among the forty-one assessors of incomes there are republicans, democrats, socialists and single-taxers. The highest salary paid is $3,600 a year; the lowest $800; the average almost exactly $1200. The assessors are appointed and subject to dismissal by the tax commission. They serve for a term of three years. They have been strongly supported by the commission in their work and earnestly urged to a thorough enforcement of the law. They have responded intelligently and not only have impressed the people of the state with their tact and firmness but have convinced them that the law is to be enforced just as written. It is very largely their work that has made the income tax a success. With the property tax they have wrought something in the nature of a revolution.

Wisconsin had, from 1903 to 1911, county officers known as supervisors of assessment, appointed by the various county boards and exercising a general supervision over local assessment work, which now as then is performed by locally elected assessors. The county supervisors, appointed by the county boards and dependent upon such boards for their retention, did not accomplish much. They were timid and for the most part ineffective. Placed upon a civil service basis by the income-

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tax law and urged by the tax commission to a tactful but firm and vigorous enforcement of the law, they have in the last two years effected a remarkable improvement in the assessment of real and personal property. At considerable trouble the Wisconsin Tax Commission secures very trustworthy estimates of the ratio of assessed value to the true value of property. In 1910 property was assessed generally throughout the state at 61 per cent of its full value. The assessors of incomes had only a few months to work in 1911, but they raised this ratio to 65 per cent in that year and to 73 per cent in 1912. In 1913, although the complete figures are not available, it is practically certain that the ratio will be not less than 83 per cent. In many taxing districts throughout the state there is now for the first time on any wide scale a full value assessment. Those who know how effectually a full value assessment tends to equalize the individual assessments, and how difficult it is to get such assessments, will realize the importance of the step which has been taken.

In a degree heretofore unknown the local assessors have called for assistance upon the expert agents employed by the state tax and railroad commissions. The appraisal of mines, of the terminal properties of railroads and of minor public utilities subject to local assessment, as well as of the larger and more difficult forms of manufacturing business, is coming to be in increasing degree the joint work of local assessors and state experts. The county equalizations, *i. e.*, the division of the county tax among the political subdivisions of the country, which calls for an assessment of all county property on the same basis, are now, in effect, being made by the assessors of incomes; whereas a few years ago they were largely influenced by political considerations, sectional jealousies and guesswork. In this way the expert agencies of the state government are economically and efficiently brought to the aid of the local assessors. The state coöperates with the local assessor; it does not supplant him. It is a system which, as it is perfected, may combine uniformity with elasticity; which may start with the locally elected assessor and yet give proper scope to centralization and expert aid through the coöperation of the state com-

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mission. It avoids the defects both of excessive centralization and excessive decentralization. For this result both the state commission and the income-tax law are to be credited. Theoretically it might have been secured in the absence of the income tax by making the supervisors of assessment state officials. Practically, however, the stimulating rigors of the income tax were required to make the people see and feel that the greatest need of the tax system was a set of officers not dependent for the retention of their offices upon the favor of the people whom they assess. The appointment of a body of protected tax officials marks a new epoch in the fiscal history of the state of Wisconsin, possibly in that of the United States.

II

Closely connected with the results stated above are a number of important conclusions, very difficult to prove, yet which are hardening gradually into tenacious convictions in the minds of those who have had to do with the administration of the income tax:

(a) First of all is the feeling that the "protected assessor" is the most vital part of the whole tax system; that with him all things—even general property taxes perhaps—are possible; and that without him all is chaos.

(b) The income tax is as easy to administer as is a tax on real estate. This may sound revolutionary; none the less it is believed to be true. In the majority of cases a man's income is more easily determined and measured than is the value of his property, particularly if you secure his coöperation in the work of appraisal. Income is less tangible than property, but if we except farming properties and one or two allied classes of occupations the range of uncertainty in the measurement is usually less. Income is measured after the transaction is consummated. The amount received, with the proper exemptions and deductions provided by law, is the proper measure of the taxpayer's liability. What his real estate is worth, however, is a mere estimate—an estimate of estimates—really determined by estimating what other men will estimate to be its worth. Business property, moreover, must be valued as part of a going concern.

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The point under discussion is too large to be settled here. What is asserted with some confidence is that the intrinsic difficulty of computing or appraising income, as compared with the difficulty of appraising capital value, has been grossly exaggerated, particularly when the coöperation of the taxpayer can be secured.

(c) And in the great majority of instances his coöperation can be secured. The American taxpayer is the most maligned creature in all the annals of fiction. He has been compared, confused and used synonymously with the liar. As a matter of fact, when confronted with an equitable tax and a fearless assessor, he is amazingly honest. Corporations are included in this characterization. The great majority, both of individuals and of business concerns, tell the truth. In the opinion of those who administer the Wisconsin income tax, about ten per cent will equivocate, twist the truth or flatly lie, according to their legal learning, their skill and daring. The rest, with a reasonable amount of prompting and supervision, will make fair returns and can be counted upon to lend their own knowledge and assistance towards the determination of a fair assessment. It is the locally elected property assessor, bent on conciliating voters and on keeping his own underpaid job, who has demoralized the American property tax and made it in the past a byword for chicanery, inefficiency and inequality.

(d) Equally misleading, if Wisconsin experience can be trusted, are the catch-phrases "self-assessment is poor assessment" and "don't tax anybody for anything that can move because it will move." It is true, of course, that a tax which is left completely to the taxpayer for assessment will be "left" there. There is, however, no truth in the contention that the taxpayer cannot be made and ought not to be made to coöperate in the fixing of his own assessment. It is equally untrue that taxes should be levied only on those tangible things which the assessor can see and appraise without the help of the owner or taxpayer. The taxpayer usually knows better than does any one else the amount of his income and the value of his property. Nearly always he has in his possession data by which these questions can be determined. In the past far too little

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use has been made of the taxpayer and the facts which he can contribute. This is true of Wisconsin at least. The income tax has opened the eyes of the Wisconsin authorities not only to the honesty of the average taxpayer, but to the extent to which he can be depended upon, if properly approached and supervised, to assist in appraising his own property or income. The declaration of the taxpayer is the most natural, effective and helpful starting point in the administration of any direct tax. It could be used with great advantage in the assessment of real estate, if taxpayers were convinced in advance that there was going to be a full assessment of all property on the same basis.

The single-tax catchword with regard to the "moving" effect of taxes seems, in the light of Wisconsin's experience, particularly untrue. Discriminatory taxes may drive business away and excessive taxes may have the same result; but reasonable taxes, imposed and administered in a spirit of equity, move almost no property or business and few people, beyond a small number of curmudgeons for whose absence any community would breathe more freely. In the heated political campaign which followed the first assessment of the income tax, the statement was freely made that business enterprises were leaving the state on account of the income tax. Diligent effort was made to ascertain the facts, but not a single instance was found in which an industry had left the state on account of the income tax, or had failed to locate in Wisconsin because of the tax. It was discovered that in several instances the income tax had been considered by prospective investors and in one case that the income tax, along with other factors, had deterred a group of investors from making one use of a water power in the state which was, however, later employed for another purpose. In short, the income tax exercised practically no appreciable effect upon the location of industry. Taxes are ordinarily a minor element in the decision of this question. Whether in the long run industry will be appreciably affected by the imposition of income taxes in the state can, of course, be determined only by a longer experience; but the people of Wisconsin will probably be little influenced in selecting their system of taxation by ap-

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prehensions which in the past have been so skillfully played upon by certain classes of interested taxpayers. The natural wealth of the state cannot run away, and the industry which cannot or will not stand fair taxes is in the long run a source of weakness, not of strength. The political atmosphere will be more wholesome and the general level of welfare and of real wealth will be higher for the absence of industries which are unwilling to contribute when their earnings are high.

III

It has been said by an able critic of state income taxation that no income tax can succeed among English-speaking people which does not make extensive use of collection at source, and that collection at source is not possible with a state income tax. If by "collection at source" is meant collection direct from corporations, joint-stock companies and copartnerships, then the Wisconsin income tax makes considerable use of it, inasmuch as 68 per cent of the entire tax was assessed to corporations alone, and to corporations and copartnerships more than 75 per cent. Moreover, the Wisconsin tax provides for the extensive collection of information at source. What is out-go to taxpayer A is income to taxpayer B. With respect to wages, salaries, rents and interest paid out, all taxpayers are required to list the names and addresses of the payees, and the income-tax returns of the latter are checked to ascertain whether the corresponding income has been properly reported. This device has proved exceedingly helpful and has gone far to negative the criticism that in state income taxes proper use could not be made of collection at source.

The Wisconsin authorities have, of course, no way of measuring the exact amount of interest and dividends from foreign corporations or other extra-state sources which is received and not reported by Wisconsin residents. But all indications point to the conclusion that this kind of evasion is not at all serious. Information about the receipt of such income is constantly being received from various quarters, and upon checking the returns of the recipients in question they have almost without exception been found to be correct. In short, most of the

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income of the people of Wisconsin is received from sources within the state, and the remainder is adequately known through the common honesty of the average citizen. Collection at source is a convenience and an added element of strength. It is not a necessity, and critics who have built destructive arguments upon the alleged impossibility of incorporating the device in state income taxation should have learned as much from experience on the continent of Europe.

IV

A real difficulty has been encountered in the proper assessment of business concerns transacting business within and without the state. The amended law on this subject provides:

> In determining taxable income, rentals, royalties, and gains or profits from the operation of any mine, farm or quarry, shall follow the situs of the property from which derived, and income from personal service and from land contracts, mortgages, stocks, bonds and securities shall follow the residence of the recipient. . . . With respect to other income persons engaged in business within and without the state shall be taxed only upon such income as is derived from business transacted and property located within the state.

The definite allocation of certain sorts of income to the jurisdiction in which the property is situated or in which the company has its place of business considerably narrows the problem in question. Furthermore, in a large number of the remaining industries, a separate accounting for the Wisconsin business may be accurately and naturally made. In the latter case the problem is simple. But there remains a considerable number of important industries in which Wisconsin's share of the net income must be computed by a process of general apportionment which is at times both intricate and perplexing. Fortunately the task has been lightened by the fairness and coöperative spirit displayed by the great majority of the business concerns involved, most of which are corporations.[1] And as

[1] Either the great majority of corporations have been greatly maligned in the past or the corporate spirit and point of view have been wholly transformed in the last few years. Intimate contact with many large corporations makes one an optimist on the question of present-day business morality.

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each case is taken up and thoroughly threshed out, the problem shrinks, because when a definite status is once reached, it will usually serve for many years. The task of dividing or apportioning the income of companies engaged in business within and without the state is therefore one of the real difficulties of a state income tax; but the problem presented by this difficulty is not a major one, and with proper administrative effort tends to become less irritating and formidable with each successive assessment.

Closely related to the foregoing is the problem created by the distributing or trading subsidiaries of the great industrial corporations. Almost every important American corporation today controls a subsidiary which takes out the licenses in states other than that in which the parent company is incorporated. The subsidiary is almost always capitalized at a very low figure in order that the licenses or foreign corporation fees, whose amounts are usually based upon capital stock, may be as low as possible. These subsidiaries usually act as the selling or distributing branches of the parent corporation; and the relation between parent and child is often of the most artificial kind. In most cases, though with some important exceptions, products are turned over to the subsidiary at prices high enough to assign all the real profit to the parent concern.

This practice creates a real and trying problem which the state income tax must solve. It has not, however, proved a serious impediment in Wisconsin. The cases are not numerous. The relations between manufacturing and distributing departments of corporations are in some instances so natural and fair that the reported net income of the subsidiary represents exactly what the state seeks to tax. Again, in most of the cases in which the relationship is wholly artificial, the corporations have acknowledged this fact without dispute and have acquiesced in the fusion of the two concerns for purposes of income taxation. Finally, Wisconsin has its fair share of such parent corporations, and in these cases the shoe pinches the other foot. Such instances simply accelerate the willingness of the corporations concerned to discard legal fictions in favor of the underlying economic facts. The evil possibilities of the "trad-

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ing subsidiary" are great, but they are as yet—from the standpoint of state income taxation—mostly possibilities, and will probably never prove to be beyond the control of state taxing authorities.

A related legal problem should be considered at this point, not because it has up to the present time created any real difficulty in Wisconsin, but because of its sinister possibilities. The problem includes the ascertainment of what income may properly be said to be derived from interstate commerce, and the question whether the state may tax such income or may impose a tax in accordance with or in respect to it.

Owing to the exemption of railroads and other public utilities from the income tax, the most obvious applications of this problem do not arise in Wisconsin; and it has up to the present time given very little trouble. But let us suppose the case of a Wisconsin factory whose products are all sold in other states. Many lawyers regard such sales as interstate commerce and hold that the state may neither tax the income derived from them nor impose a tax with respect to or measured by such income. Similar cases are now before the courts, but, tempting as would be the discussion of the interesting doctrines involved, it would be unprofitable to discuss the point now. But if the states are deprived by the federal law of the power to impose taxes on residents measured by income derived from sales to residents of other states, it will seriously cripple and perhaps wholly emasculate the state income tax.

V

More important than the difficulties discussed in the preceding paragraphs, because more numerous and more general, are the questions concerning depreciation, amortization, depletion and losses which occur perhaps in the majority of income-tax returns. These questions, all of which are necessarily involved in the proper definition or determination of net income, constitute the very stuff of which the real problem of income taxation is made. To discuss them adequately here would be impossible. But a general verdict concerning them can be announced with some confidence. They present serious problems, irritat-

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ing to taxpayers and involving an endless amount of supervision on the part of assessors. The items are essentially intangible. Their determination is wholly dependent upon human judgment. No solution can be "absolutely right" or "absolutely exact."

Serious as are these difficulties, they are far from sufficient in the aggregate to destroy the usefulness of the income tax or even seriously to embarrass its operation, provided of course the tax is administered by conscientious and industrious men. They are inherent as well in direct *ad valorem* taxation. They are not fatal to the success of the income tax; first, because the margin of possible difference in varying estimates, while important, is restricted in range. Secondly, the difficulties diminish with each successive assessment. Questions of depreciation and losses are always greater the first year an income tax operates than they are thereafter. Old accounts may have accumulated or insufficient depreciation have been written off in the past, and the income tax affords an inducement to inaugurate a more stringent policy and to write off claims or properties that should have been taken care of years before. Fortunately in one sense, the difficulties as frequently relate to *when* the depreciation or loss may properly be claimed as to the amount of such depreciation or loss. If the claim is disallowed by the taxing authorities one year, it may properly be brought up again when the evidence is stronger. If allowed in one year, the claim is finally disposed of and usually does not arise again. The element of continuity or compensation in income taxation —the possibility of readjustment and correction in subsequent years—is one which places the income tax in a position of decided superiority over the property tax. Thirdly, there are natural checks on these deductions, particularly in the case of depreciation. A corporation has to make reports to its stockholders, to the banks, to the insurance companies, which must harmonize with its reports to the assessor. This operates to keep such claims within proper limits. Finally, the element of compensation referred to makes it possible and equitable to dispose of many of these questions by general rules. The depreciation on a certain type of machine, for instance, may be fixed by a general rule at twelve and one-half per cent a year,

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suggesting on the straight-line basis a life of eight years. Suppose the machine actually has to be replaced in seven years. The balance of the cost not written off may be taken care of properly at the end of the period. *Per contra*, the life of a mine may be underestimated and the depletion allowance be completed before the mine is really exhausted. If so, the depletion allowance simply stops and the state assesses the whole net profit at the end of the period—a consummation not so exact or satisfactory as it should be, but still reasonably satisfactory.

The difficulty of computing net income is at its worst, perhaps, with farmers, most of whom have some income in kind or produce which is theoretically taxable, and most of whom take a large part of their earnings or compensation in a very real but exceedingly intangible appreciation in the value of their farms. This is a real but in many respects a minor obstacle to the satisfactory operation of the income tax; first, because with the exemptions provided in the Wisconsin act—and they are not excessive—few farmers would be subject to any tax, even though their accounts were kept with absolute accuracy; and second, because almost all the income tax goes back to the political subdivision in which it is collected. If a rural town, therefore, has no taxable income within its borders it gets little benefit from the income tax. Seventy per cent of the proceeds of the tax go to the local district, and the twenty per cent which goes to the county comes back to the local subdivisions, to a large degree, in the form of reduced county taxes. The rural district benefits slightly by the twenty per cent which goes to the county. It contributes less to this quota than it receives in the reduced county tax on property; but the difference is slight and is probably not unjust, because after all the greater share of tax-paying ability is found in the cities. This is particularly true of that form of personal ability which the income tax is specifically designed to reach. Moreover, under the personal property tax the ratio of assessed to true value is higher in the country than the city districts; and real estate which is relatively well taxed everywhere, constitutes a much larger share of the total wealth of the farmer than of the city man. While it is true, therefore, that the income tax

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works better in the city than in the country, it is also true that the defect is a small one and is counterbalanced by defects of the property tax working in the other direction. The two taxes are mutually corrective.

VI

The insignificant yield of the income tax in rural districts raises sharply the question whether or not the income tax has proved a successful substitute for the personal property tax. No categorical answer to this question can be given. The income tax produced in the first year several times as much as the revenue formerly collected from the important classes of personalty exempted when the income tax took effect. In the larger cities, moreover, the income tax produced enough to warrant the immediate exemption of all personal property from taxation. On the other hand, in the smaller cities, villages and rural townships, the yield of the income tax is, except where there are important mines or factories, almost negligible.

In farming districts at the present time personal property represents only about ten per cent of the total assessment, and the yield of the income tax is small. In the villages and smaller cities personal property constitutes about 30 per cent of the entire assessment, and the revenue from the income tax is again insignificant. In the larger cities, however, while personal property constitutes from 25 to 30 per cent of the total assessment, the yield of the income tax is large. From this statement it is apparent that the personal property tax might be abandoned without any substitute in the farming districts, and that the income tax would fill the place of the exempted personal property tax in the larger cities; but in many of the towns, villages and smaller cities, probably in most of them, the abolition of the personal property tax would cause a decided increase in the tax rate on real estate. Unfortunately, also, the very places in which the personal property tax is most important and the income tax least important are those places in which land values are least affected by the influences which give rise to the so-called "unearned increment." In these jurisdictions real estate is least able to bear the entire burden of taxation.

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The Wisconsin Tax Commission has twice recommended to the legislature the abolition of the personal property tax; and the legislature in retaining the tax on merchants and manufacturers' stock, farm animals and other forms of tangible personal property was influenced not by any desire to preserve the personal property tax but by prudent resolution to test out the income tax before relinquishing present sources of revenue. In the writer's opinion this action of the legislature was wise; and it will probably be many years before the personal property tax can be entirely abolished in Wisconsin. Under the circumstances it seemed to be the wisest alternative to make provision for such elasticity in the tax system as would permit some localities to do away with the personal property tax, allowing other jurisdictions, which find its abolition impracticable, to retain it. Accordingly, there was introduced in 1913 and passed in both houses of the legislature an amendment to the constitution of Wisconsin sanctioning a scheme of limited local option.

The proposed amendment, which must pass another session of the legislature and then be ratified by popular vote before it can become effective, is quoted below. It will be noted that it does not give the local governments power to exempt property from county and state taxation, but leaves each jurisdiction in limited control of its own taxes—the state to say what forms of property shall be subject to the state tax, the county to determine what forms of property shall be subject to the county tax, and the town or city to decide what forms of property shall be subject to local taxation. This is really home rule. The trouble with many home-rule amendments introduced in the past is that they have proposed to permit the smaller unit to dictate the policy of the larger unit by authorizing local subdivisons to exempt property from all kinds of taxes—state, county and local. The proposed amendment is as follows:

> The legislature shall have power to authorize counties, towns, cities and villages, by a vote of the electors therein, to exempt from taxation, in whole or in part, designated classes of property; but the value of such property exempted by any county shall be included in the assessment and equalization for state taxes, and the value of such

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property exempted by any town, city or village, shall be included in the assessment and equalization for state and county taxes.

If this amendment passes, Wisconsin will have reached the principal goal toward which the income tax constitutes the first and most important step. It is not believed that the introduction of the federal income tax will seriously interfere with state income taxation. Why should it? The federal income tax replaces regressive customs taxes, and the state income tax replaces defective property taxes. No new burden is created. The old burden is simply redistributed from the shoulders of those less able to pay over to the shoulders of those more able to pay. The individual who has no income above the minimum of subsistence and the business concern which makes no profit are not called upon to pay the income tax. Within reasonable limits it would seem that we could hardly move too fast in this direction of relieving from taxation consumption, property and business, as such, and placing an equivalent burden upon the successful people and business concerns of the community. And there is every reason to believe that the two taxes will be mutually helpful from an administrative standpoint. In Wisconsin the income tax rolls are public records—and incidentally it may be said that they attract little attention and produce none of the awful consequences so often predicted. The federal officials will find the state income tax rolls of material assistance in their work. As a return courtesy the corporation assessments of the federal government will be thrown open to the properly accredited officers of any state government imposing a general income tax.[1] This is the beginning of a fruitful coöperation between state and federal governments which when consummated will vastly improve our system of commonwealth taxation.

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[1] The new income tax act contains in paragraph D of section g, the following provision: "Provided further, that the proper officers of any state imposing a general income tax may, upon the request of the governor thereof, have access to said returns or to an abstract thereof, showing the name and income of any such corporation, joint stock company, association or insurance company, at such times and in such manner as the Secretary of the Treasury may prescribe."

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GOVERNMENTAL REGULATION OF SECURITIES ISSUES

UNTIL very recently it has been tacitly agreed that a man runs his own risk in choosing securities in which to invest, goes into such a project with his eyes open, and deserves no governmental protection from swindlers and companies of unsound organization. The last two or three years, however, have indicated a decided change in opinion. There has been a realization that the individual investor, the banks, and the sound corporations all need the protection that a supervisory board or official can afford in detecting the imposter and excluding him from the market. Following the lead of Kansas, eighteen states have passed "blue-sky" laws, and other states have such legislation now under consideration. The general purpose of these laws is to force those who intend to offer stocks and bonds to the public to make known to some proper state authority their organization, plan of business and the purpose for which the income from the securities will be used. If this official does not believe that the project offers a fair opportunity to the investor he may forbid the proposed sale. This power has been variously given to the bank commissioner, the secretary of state, or to a specially created securities commissioner.[1]

The first steps in this direction, however, antedated the Kansas blue-sky law. The first corporations to which this principle was applied were public utility companies, which have received the lion's share of attention in restrictive legislation. As early as 1908 clauses began to appear in the new public-service laws providing for commission regulation of securities issues. The evolution of this legislation can be traced with profit. Beginning with the establishment of commissions with

[1] Corporation Commissioner: Arizona, Oregon, Montana. Bank Commissioner: Arkansas, Idaho, Kansas, Maine, Missouri, Vermont. Secretary of State: Iowa. Bank Examiner: North Dakota, West Virginia. Securities Commission: Michigan, South Dakota.

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an undefined power of advising changes in the service and rates of common carriers, the states have year by year increased the powers of these commissions, extended their jurisdiction to all public utilities, and broadened the scope of their duties. Naturally enough the consumers' interests were the first to receive protection; the most recent laws have extended this protection to the interests of investors as well. This is achieved by giving to public officers power to pass upon stock and bond issues of companies under their jurisdiction.

In this, as in other progressive legislation, the provisions in different states vary widely, some allowing the corporations great freedom of issue, others putting a large share of the responsibility upon the regulative boards. Since 1908 some of the most backward states have stepped to the very forefront in this matter, modeling their laws after the notable examples of New York and Wisconsin. Other states that have long possessed commissions with complete power to fix rates and command improvement of service have not yet seen the necessity of regulating the issue of securities.

In 1912 this supervisory power existed in thirteen states: Georgia, Massachusetts, Michigan, Kansas, Nebraska, New York, Wisconsin, California, Maryland, New Jersey, New Hampshire, Ohio and Vermont. In these jurisdictions it is required that the corporation file a statement showing (1) the amount and character of the securities to be issued, (2) the purpose for which they are issued, (3) the terms and (4) the total assets and liabilities of the corporation. The commission will then grant a certificate authorizing the issue, stating the amount allowed, the character, purpose and terms. Often the corporation has not been allowed to issue the full amount petitioned for. For example, in New York (first district) in 1908—the first year in which this law had effect—stock and bond issues amounting to $155,000,000 were asked for, while permission was granted to issue only $70,000,000. Yet the companies are ultimately more than repaid through the increased value of their securities in the eyes of the investing public. Mr. R. V. Johnson writes:

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Regulation of the stock and bond issues . . . has worked to the benefit of the corporations themselves, in that it is made easier to obtain money for extensions and improvements. Commissioner Halford Erickson [Wisconsin] said recently, "We know from experience that investors often attach a great deal of importance to governmental regulation of securities. . . . In fact, investors often buy securities on the strength of the existence of such regulation alone, without inquiring into its character and scope." [1]

It is evident, however, that grave danger lies in such a blind confidence on the part of the investors. The enacting laws usually state that such regulation may not be construed as a guarantee that the stocks and bonds issued are a good investment. The commission is under a duty to protect the investor from blue-sky sales and excessive flotations, but it cannot be held responsible for errors in judgment or for unforeseen circumstances which might make the securities worthless. This also applies to the recent blue-sky laws. In fact the power of these commissions is much less than the average investor supposes; for, as a rule—except in New York—the commission cannot refuse to grant a certificate for new issues if the provisions of the law have been complied with. In other words, it cannot pass upon the social necessity of the purpose for which the income from the stocks and bonds will be used; It can only determine how great an issue will be needed for the purpose proposed by the corporation, based on the estimated earnings of the new enterprise. This fact was well brought out in a decision of the Wisconsin Commission in regard to a petition of the Southern Wisconsin Railroad Company.[2] The petitioner wished to issue $300,000 of bonds for (1) renewal of equipment, (2) extension of lines, (3) erection of a power plant and (4) payment of its floating debt. The commission did not wish to issue the certificate, but held that under the law it was required to do so; for the company had "complied with all the requirements . . . by furnishing such statements and evidence as the commission deemed pertinent

[1] "Workings of the Wisconsin Commission," *Public Service*, April, 1912, p. 130.

[2] Report of 1907–8, vol. ii.

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to the inquiry." In Minnesota the court declared unconstitutional a statute giving power to grant or refuse a bond issue at will as an attempt to delegate legislative powers.[1]

In New York alone is this condition remedied; not, it is true, by allowing a free decision on the part of the public service commission, but by an inclusion in the law of a detailed statement of purposes for which issues can be made. The commission may refuse all petitions that are not within the scope of these provisions. For example, in 1909 in the second district, applications were refused for issue of scrip dividends, capital stock and bonds for the reimbursement of the treasury, on the ground that these purposes were not provided for in the original law.

A new departure such as this, creating new conditions, often by its logical development makes necessary a new governmental policy. When a commission determines that the investment will "provide for a fair return on the stocks, bonds and other securities . . . offered for sale,"[2] it is in some measure, although not legally, bound to protect the company against competing enterprises whose presence in the field may diminish the returns on the original investment. This view of the question is new. Its significance has been realized in full only in New York; but in Wisconsin it has been recognized in part. In the former state all railroads and public utility companies must obtain from the commission a certificate of "public convenience and necessity" before entering upon any new construction, whether it be an extension of an existing plant or the erection of a new plant. In Wisconsin a similar certificate must be obtained by all common carriers. In this case it is entirely at the option of the commission to grant or refuse application, and this certificate is in no way connected with the certificate authorizing any new security issue that may be needed to build the extension or new plant. In both states, if the field is already occupied by a company of adequate capacity, the commissions have refused to allow a competitor to enter. Some of

[1] State *v.* Great Northern Railroad, 111 N. W. 289.

[2] Kansas House Bill No. 906 (Session 1911). In Kansas, securities are passed upon by the bank commissioner of the state.

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the Wisconsin decisions are most interesting, showing as they do the frank recognition of monopoly as the best condition for public utility service.

Railroads are generally natural monopolies and the unnecessary paralleling of lines only results in the end in consolidation or arrangements whereby the public benefits of competition . . . yield to the inevitable increase in the cost of transportation made necessary by the cost of operating and maintaining two railways where one is adequate. . .[1]

It is well understood that the theory of the law is that utility enterprises are generally monopolistic in their character. . .[2] It was one of the purposes of the statute to insure the public against the undertaking of unusually hazardous enterprises. It was doubtless contemplated to prevent the projection of lines for speculative purposes and through which the innocent purchaser would be made to suffer losses. . .[3]

The legislature doubtless intended that through the administration of this law, destructive competition and rate wars . . . should be prevented.[4]

The Milwaukee and Fox River Valley Railway Company petitioned for a certificate of public convenience and necessity for an interurban railway. The commission granted the certificate with the decision: "While the project involves many uncertainties, these uncertainties do not create a risk of such magnitude as to justify the commission in denying promoters and investors the privilege of assuming it. . ."[5] The territory to be covered by this company was already practically entirely served by the Milwaukee Northern Railway, and the decision is therefore interesting as showing that the commission will allow competition where it believes there is business enough for two. The opinion went on to say, however, that there would be no rate-cutting or destructive competition in this instance, *because the commission has the power to fix rates.*[6]

[1] Report of the Wisconsin Railroad Commission, vol. iii (1908–9), p. 289.

[2] *Ibid.* vol iv (1909–10), p. 60.

[3] *Ibid.* vol. v (1910), p. 473.

[4] *Ibid.* p. 475.

[5] *Ibid.* Decision, Milwaukee and Fox River Valley Railway Co.

[6] Some states, far from recognizing the monopolistic character of public utilities, have attempted to maintain competition among them. For example, Missouri has a statute preventing any railroad from owning, controlling, or operating a parallel or competing line. Section 41 of the Oklahoma state constitution prohibits public ser-

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One noteworthy fact in connection with this problem is that in Wisconsin the "public convenience and necessity" idea does not extend to telephone companies. "These alone are left in a class by themselves, supposed to be governed by the ordinary laws of competition."[1] No explanation for this exception is offered either by the commission or by the original law. It is also to be noted that there is a possible appeal from the commission's decision to the circuit court of Dane county, and from there to the state supreme court.

In New York the principle above outlined is definitely extended to all public-utilities companies. One example will suffice to illustrate the principle upheld. The Hudson River Electric Company petitioned for permission to exercise rights granted them by a franchise issued by South Glens Falls to light the streets of that village. The public service commission decided:

> The village of South Glens Falls is now being served and has for years last passed been served with the electric light of the United Gas, Electric Light & Fuel Company of Sandy Hill and Fort Edward, N. Y. . . . The said company has a plant sufficiently adequate to supply proper service to the said village . . . and no reason exists why the applicant should be allowed to light therein.[2]

The commission then ordered the existing company to furnish light at the rate proposed by the applicant.

In another decision of the New York commission a further development is seen. When the North Shore Electric Light and Power Company asked for permission to furnish power in a territory already served by the Port Jefferson Electric Light Company, it was shown that the latter's service was inadequate, that the plant needed improvements and additions, that

vice corporations from holding or controlling in any manner whatever the stock of any competitive corporation engaged in the same kind of business. In the light of the Wisconsin and New York attitude on this question, it would seem best to allow rate-regulated competition if the field can afford business enough for two, but to prohibit in the first place the construction of the competitor if the field is clearly inadequate to provide fair profits for a duplicate equipment.

[1] Report of the Wisconsin Railroad Commission, vol. iv (1909–10), p. 60.

[2] Report of the New York Public Service Commission (2nd dist.), 1909, vol. i, p. 660.

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rates were discriminatory, and that the business methods were lax. The commission denied the application, *provided* the Port Jefferson Company present within ten days a resolution of the board of directors promising without complaint to obey any order of the commission within six months from date, requiring additions, improvements *etc.* The company furnished the resolution requested and the application of the competitor was refused.[1] In a similar case decided some time previous, the recommendations of the commission following the refusal of the competitor's application amounted to a practical renewal of the entire plant and equipment as well as a reorganization of the company's whole business system.

Thus in states existing side by side we may outline the evolution of commission regulation: (1) states without a railroad or public utilities commission of any sort (six); (2) states having power to enforce changes in service, rates and equipment (twenty-eight); (3) states that may regulate security issues for new enterprises but may not pass upon the social necessity of the undertaking for which they are issued (eleven); (4) one state that may in addition determine whether public convenience or necessity demands the new project, if the applicant is a common carrier (Wisconsin); (5) one state that may apply this test to all public utilities, and use the power to grant or refuse such a certificate as a whip to compel adequate service from the resident company (New York).

Blue-sky legislation applies to all companies the principle evolved as a middle step in public utility regulation. It will be interesting to see whether other steps of this series are ever given a universal application, whether a commission be given power to fix prices and regulate the output of industries (as was indeed suggested in the last presidential campaign), and whether the monopoly principle be recognized here too as in the case of public utilities.

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[1] Report of the New York Public Service Commission (2nd dist.), 1910, vol. i, pp. 782, 783.

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THE FIELD BEFORE THE COMMISSION ON INDUSTRIAL RELATIONS

ON the last day of the year 1911 a group of social workers and university men presented to President Taft a petition for the creation of a federal commission of inquiry. They asked for a body "with as great scientific competence, staff, resources and power to compel testimony as the Interstate Commerce Commission" to investigate the field of relations between employer and employee. Among the topics specifically mentioned for investigation were the organization and methods of trade unions and employers' associations, strikes, laws and judicial decisions relative to labor, and constructive "schemes of economic government," such as the "trade legislature" in the New York cloak and suit industry, the Canadian industrial disputes legislation, the Wisconsin industrial commission and the Australian minimum-wage acts.

Six months' agitation resulted in the passage of an act by Congress, approved August 23, 1912,[1] providing for a commission of nine members, three to represent employers and three to represent organized labor. The duration of the commission was limited to three years, and an appropriation of $100,000 was made for the expenses of the first year. The commission was given broad powers of investigation into general labor conditions, conditions of association of labor and capital, problems of sanitation and safety, agencies of industrial peace, and the subject of Asiatic immigration. It was especially charged to "seek to discover the underlying causes of dissatisfaction in the industrial situation and to report its conclusions thereon." In mid-September, 1913, President Wilson's nominations were confirmed by the senate, and in October the commission met and organized for work.

It is significant that the impulse which resulted in the creation of this commission came from men and women who belong

[1] U. S. Statutes, 62nd Congress, 2nd Session, Public, 351.

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to what may be termed the third party to the industrial struggle. They were men and women, to be sure, who know conditions of life and labor at first hand; and many of them had been instrumental in settling industrial disputes. Yet after all, of what deep concern was it to them that employers and employees are recurrently at loggerheads? What concern is it to the average citizen?

Let us look at the situation as they brought it forward, and carried conviction in Congress that the work ready to the hand of such a federal commission reaches to the economic bedrock of American democracy.

I

Throughout the period of westward expansion the homestead laws were the underpinnings by which men adjusted themselves to the land, as the basis for subsistence. On them, and on contractual relations which smacked of the soil, they built up the great commonwealths of the Mississippi Valley and beyond.

With the development of manufacturing, the currents have set in new directions; cities have piled up; the people have massed in great trade groups; employments embedded in corporate industry have become the basis for subsistence for vaster and vaster numbers of Americans. On the contract of hire depends their prosperity.

Now, the laws and customs of adjusting rights and interests among agricultural peoples have been the development of centuries. They have become moulded in forms conformable to democracy. But while organic social changes have come in with modern industry, as radical as the change in tools from wheelbarrows to electric cranes, the terms of the contract of hire have not been reconsidered in relation to the new conditions.

If we apply to the farming life of America the words equity, tenure and security, we obtain a fairly clear idea of the economic base upon which households and granges, counties and states, have been built up. But if we apply the test of the same words to the working life of American industrial districts, we get at once a vivid impression of the insecure footing of our

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wage-earners. And if we turn to the message which Abraham Lincoln sent to Congress fifty years ago and read what he then said of the self-sufficient household and the self-employing man as the sure foundations upon which political democracy must depend to withstand the encroachments of new forms of despotism, we appreciate the risks to our institutions which industrial changes have thrust into the national life.

Not merely the sudden massing of industrial workers but the unevenness in the size and strength of the parties to the work contract put strains upon it. Corporate bargainers range from small concerns, which retain much of the old personal contact between master and man, to far-flung enterprises governed by wire, which have injected a system of absentee capitalism into American industrial life as definite in its effects as is absentee landlordism. In strength of position these corporate bargainers range from the isolated contractor, whose work must be prosecuted on an exposed corner and at a rate of speed enforced by real-estate owner and prospective tenant, to the manufacturer whose walled plant enables him to store up finished goods to tide over a strike. They range from associations of such manufacturers, which can put a strike-breaking force into the plant of any member and break the back of a local strike regardless of its merits, to nationalized industries, which can effect the same end by closing down a plant here and operating elsewhere. They range from manufacturers, who view organized labor as nothing more than a disruptor of orderly administration to be fought at every turn, to manufacturers who not only bargain with it, but look to it to aid in the discipline of unsteady workers or to settle disputes between crafts.

There is equal unevenness in the ranks of labor. The workers range from those in sedentary trades, thick with traditions, to those in new and hazardous callings like that of the structural iron workers, which attract foot-loose men of the same devil-may-care stamp as did our frontier settlements. They range from old employees, indispensable core of an industry, to the machine hands of the loft districts of the cities, whose employers take them on and lay them off with no more sense of responsibility than they feel when they throw the switch that

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turns on their electric power. They range from mass organizations which embrace every worker in an industry—from common labor up, to craft organizations hedged in by apprenticeships from competition with the common laborers; from elemental, unorganized bodies of men who strike spontaneously under some common spur, as at McKees Rocks and Lawrence, to highly disciplined orders, like the railroad brotherhoods, whose stages of development have been as distinct in character, ideals and methods as are those of thoroughly organized business concerns. The organizations of workers range from isolated local bodies to international unions with staffs of paid organizers; from irresponsible associations with unitemized accounts and a ring control which matches that of machine politics, to organizations on a business basis with large benefit funds and responsible executives.

Leaving out of consideration what have been called the predatory industrial corporation and the predatory trade union, we have, therefore, a great diversity in the relative strength of position enjoyed by the two parties to the labor contract. In the middle ground, for the purposes of illustration, may be cited the brewery trade, in which strong unions, local and international, have carried on long-headed negotiations with an equally strong organization of employers to devise trade agreements covering not only the customary subject-matters of hours, wages and labor conditions, but the creation and joint management of a fund for old-age pensions, accident and sickness insurance. At one extreme of the scale is the Chicago builder who has to deal with thirty different city trades and who may be bankrupted because his operations are held up by disputes which the unions may have among themselves. At the other extreme, the Steel Corporation, with a half-billion capitalization and with men numbered in the hundreds of thousands, refuses to bargain with even two men acting in unison.

The presence of such inequalities between the two parties to the labor contract is sufficient to require that the commission give fresh scrutiny to that contract to see if it is meeting the stress of demands which it was not devised to bear. Clearly, also, the commission should consider how the sovereign power

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of the state, greater than that of any of these parties, may be thrown over the transaction so that sheer disparity in strength between the contracting parties shall not of itself occasion social wrong.

In the absence of such governmental control, the parties to the labor contract have themselves sought to exercise control over it either by mutual agreement or by compulsion from one end of the bargain or the other. Thus we have:

The closed shop—closed from below—in which unions succeed in preventing the employment of any but their own members in a given trade.

The preferential shop, in which the employers agree to give a preference to union labor when engaging new workers.

The open shop, in which union and non-union men are on an equal footing and in which employees are treated with singly or in groups, as they prefer.

The pseudo-open shop, in which the labor organization is dislodged or rendered feckless by a process of discharge or refusal to treat with the men collectively.

The closed shop—closed from above—in which the employer discharges men who attempt to act collectively or even to belong to unions, and in which the workers do not so much bargain as simply take or reject what is offered.

Two recent developments should be added. The tactics of the I. W. W. may be regarded as evolved out of the very weaknesses of the workers in the last named position. The appeal of this organization is to the ranks of common labor, the glutted, the replaceable. It meets the flat refusal of the employers to bargain with such men by denouncing all contracts with employers. And where, against the all but impossible odds of police repression and economic necessity faced by such workers, they fail to win, the I. W. W. counsels reprisal, after return to work, by a sabotage more to be feared than the strike itself. But in its larger strategy the I. W. W. preaches an industry wide open at the bottom, an industry organized as a whole, an industry working out its common salvation.

The protocol plan in the garment trades in New York, apparently at the far extreme of the scale from the tactics of the I.

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W. W., claims the same strategy for its own. The one is avowedly on a war footing; the other stands for organized peace. Under the protocols, now in vogue in several trades, we have the beginnings of economic self-government within each industrial group: grievance boards, through which in one trade representatives of 1200 employers and 70,000 employees adjust the trouble in a particular shop; sanitary boards, which deal with questions of hygiene, lighting, ventilation and fire escapes more rigorously than does the state department of labor, and call a strike if necessary to enforce their decrees; standard wage boards which are beginning the scientific study of rate-making.

If the commission will make a comparative study of the situation of working men and women in industries which afford examples of each of these various forms of control, it will break new ground. The same is true of a study of the effect of the change from one form of control to another in the same industry. How far are most trade unions open at the bottom to young men and to new-comers? "Suppose the working man has no union to speak for him," asks Professor Ross, "what are the forces that will insure a market value for his labor?" How well does he fare in the matter of fines, dockages, bonuses, held-back wages and the other things which so materially affect any comparison of earnings? We have never had a comprehensive study of the lessons to be learned from our great strikes. We could profit from a much deeper sifting of the experiences in industrial adjustments under the Erdman Act and the conciliation boards in the coal fields. Still more fragmentary is our knowledge of how in actual practice the vast number of individual bargains are struck between those who offer labor and those who offer pay, bargains whose terms and conditions bring to the workers a consciousness of fair play or else add to their growing sense of injustice.

For in addition to this disparity in strength between the parties to the work contract, account must be taken of the continual and disturbing changes in the nature of the work contracted for, the necessity for making newer and ever newer bargains. Sometimes these affect a large class of labor all at

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once; more often, some few operations in the midst of intricate processes. The explanation, of course, lies in the fact that, in addition to the sheer transfer of hundreds of thousands of people from agriculture to industry, industry itself has been overturned from top to bottom by the subdivision of labor, by the introduction of power, by the use of chemicals, by the increase of speeds and the changes in machinery and in method. The measure of output which was the subject of yesterday's bargain, like the tools with which the work was performed, is obsolete today. Too often have the workers seen the gains from industrial improvements slip through their fingers or bring them loss, by replacing a skilled mechanic with a semi-skilled machine-tender. Where increased output has led only to rate-cutting, this has in turn given rise to restriction of output and to opposition to machine production. Grievance on the one hand has thus bred grievance on the other.

Is it too much, therefore, to look to this commission to discover and define the public element in rate-making? Would not something be gained if it considered how far the miners' program of public and accurate tally of output can be given general application? Has not the Massachusetts Minimum Wage Commission, in proposing to publish the wages paid by employers who fail to meet its minimums, struck an important principle of wage publicity? Is there no way by which the assurance of a net gain to the workers may be a recognized factor in making wage adjustments following an improvement in method, so that with every mechanical advance the general level of wages will be lifted a bit instead of lowered? Would not industrial progress itself respond to such a social policy toward invention?

Closely related to machine production is another element which affects the foothold of American workmen in the corporate industries, *viz.*, the vast influx of immigrant wage-earners. More important than the fact that upon their arrival a third of these immigrants are illiterate, is the fact that before coming to this country nearly a fifth have never worked for wages. The immigration restrictionists are right in saying that the mass and insecurity of the immigrants act as a powerful

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undertow on the lower bargaining levels of all industries. The Federal Immigration Commission indicated that the average pay of day labor the country over is less than the sum required for family subsistence, and that the influx of newcomers tends to keep it there for immigrant and native workman alike.

The engineer and the physician are beginning to limit the lawyer's conception of the freedom of contract which permits the foreigner to be placed at a dangerous machine which he does not understand, or which allows him to handle industrial poisons without knowledge of their evil. We know that scores of rough peasant lads have been crippled by lead poisoning in American industries. The new commission may well consider the question whether the control which society might exercise in such cases over "greeners" who are industrially immature, should not be extended to include immigrant laborers in whatever industries their presence threatens—not only the bodily well-being of particular men but the social and economic well-being of great trade groups.

This change in tools and processes which has displaced old crafts has resulted in the destruction of much of the older social fabric upon which we have depended both for resolute self-dependence in politics and for conservative leadership in the general affairs of life. The English-speaking miners of western Pennsylvania built up churches, lodges, unions and community life. Within the last thirty years, as pointed out by the Federal Immigration Commission, there has been an exodus of these pick miners from certain counties to the Southwest; and immigrants and machine saws have taken their places. With this lapsing of our customary social institutions in such regions, it becomes all the more important that the fabric of just relations in industry be stable, so that whatever befalls the community life, fair dealing and security in the industrial field will give all comers their first fundamental impression of the things for which America stands.

On the other hand, industrial operations, as in the mines, in logging, in construction camps and even in the new industrial towns, carry forces of workers into unpopulated areas where civil society has not yet taken root or is still insecure. In these

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twilight zones of democratic life, injustice flourishes. Fragmentary information which reached the public from the coal fields of West Virginia and Colorado, the copper country of Northern Michigan and the timber lands of Louisiana has been such as to give grave concern as to hard-won rights subverted, and lawlessness breeding lawlessness. The New York Immigration Department has found grave evils in construction camps all over the state. This department may have suggestive experience to offer the commission as to how to project the forces of industrial law and order, so as to be available promptly and naturally to isolated men in these hinterlands of life and work.

In the cities themselves, life has become so complex and congested that the fixing of the terms of employment is often wrested from the hands of employers and employees by forces over which they individually have no control. For example, it is common practice for the laundries of the United States to require their ironers to work half through the night on Fridays, a practice which means broken health and broken virtue for hundreds of women yearly. But we realize that here is something which hinges on more than the moral decision of any individual laundry owner; that if he refuses to operate his plant on Friday nights to meet the demands of his patrons for clean linen for Sundays, he will lose their custom and so be forcibly retired from business. Therefore it is that legislation is advocated that will prohibit night work for all women in laundries, and so put all plants on an equal footing and make the man with the bundle of dirty linen pay in punctuality what is too often paid for out of wasted lives. The situation in these laundries shows that the labor contract cannot justly be wrenched from the social growths of which it is a part and settled without relation to its human context.

II

To the recognition of this impotence of the lone employer, and to a growing appreciation of the weakness of the position of wage-earning women and children in bargaining for their labor, are due the beginnings of new statute law in the various

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states, limiting the right of contract. It was a law prohibiting the overwork of women, protested by an Oregon laundry owner, that afforded to the Supreme Court of the United States the opportunity for perhaps its most sweeping decision as to the authority of the state, under its police power, to restrict the freedom of the individual to fix the terms of his employment. We have laws in different commonwealths reducing the working day of women and prohibiting the work of children who in size, education or age are under a certain standard. In mining and in caisson work we have the beginnings of similar legislation applying to men. How far such statute law may be used to the advantage of labor we do not yet know. Our new industrial commission could at least examine the extent to which the labor contract is already limited in the different states, and compare our laws with those of other countries which have proved salutary. It could consider the constitutional principles on which these limitations in our statutes have been successfully based and could review their applicability to federal legislation, or urge such uniformity in state laws that the progressive commonwealth shall not, as now, be penalized for the humanitarian legislation which puts it ahead of the laggard states.

To turn from statutes limiting freedom of contract to statutes changing the common law of tort liability, it should be noted that state after state has during the past five years wiped out the old defenses open to employers in damage suits—assumption of risk, contributory negligence and the fellow-servant doctrine. These were so many unwritten undertakings of the contract of hire which for three-quarters of a century the courts assumed the workman assumed when he took a job. The very title "master and servant" harks back to an earlier day, a day of domestic rather than of factory production.

There may well be other ancient obligations in the conception of the work contract which like these need readjustment to fit new times. There may be recent modifications which likewise need scrutiny before they become fixed and hard. Within the last few years a score of great industrial corporations have instituted elaborate systems of profit-sharing and bonus-paying, service pensions, sickness benefits, and accident relief. The

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National Electric Light Association has been the pioneer in developing a comprehensive social program covering all these points, and savings funds in addition. A generous progress is here at work. But it should be noted that all these provisions are a part of the bargain between employer and employee. Some of them, like the payment of a bonus, if it is made dependent upon good behavior and even then held back for a period of probation, are clearly devised to bind the employee to his employer and to prevent strikes. It would require no stretching of the field of the new federal commission to make it cover not only a consideration of such modifications of the labor bargain, but an investigation of the systematic schemes of social insurance which have been adopted in Europe and have there attained the chief ends sought by the systems inaugurated by some employers in this country, without subjecting the employees to disadvantage. In the adoption of such more systematic plans, this country lags far behind Europe.

Old principles of the common law and constitutional rights are called into play with respect not only to the labor contract but to the act of bargaining.

In periods of industrial conflict we find on the part of both employers and employees a vigorous assertion of those principles and rights which most nearly serve them. Unions point out the alacrity with which police and military forces are rushed to the defense of property, compared with their slowness of motion where human rights are concerned. Employers view with distrust the failure of unions to incorporate so that they can be brought more readily before the courts. Unions denounce injunctions which would stay their hands when delay would mean for them a lost strike. Employers attack picketing as an interference with their business and in some industrial districts have been able to make it unlawful. Unions stand out for the right to bargain collectively, while they less vehemently assert the rights of a workman who, perhaps because of the personal grudge of a union official, is denied membership in the union and hence the opportunity to earn a livelihood. Employers, when they preach loudest as to the right to work, may mean not the rights of resident workmen, but the right of an

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immigrant to sell his work for a pittance, unconscious of the effect upon American standards; or they may mean the right of a strike-breaker to work at a wage temporarily high and thus to destroy the possibility of a fair test as to whether *bona fide* workmen will accept the terms to which the strikers object. And this bristling championship of the rights of workmen on the part of employers too often, as at Little Falls and Paterson, ignores the right of free meeting, without pain of discharge or police interference, or the right to domicile, as at Westmoreland, where a petty magistrate enjoined a priest from visiting men of his own communion in the company houses.

To this right to work, the commission should give fresh scrutiny. They should define it anew on the basis of modern conditions, and then call for its defense with the force of government. But there are other elements in the contractual relations between employer and employee which, as we have seen, need similar scrutiny. It is poor statesmanship to apply the strength of the government merely at such points in a desperately subnormal industrial situation as will tend only to perpetuate it. Petty magistrates and police, state militia and the courts—all these were brought to bear by the great commonwealth of Massachusetts, once the Lawrence strikers threatened the public peace. But what had the great commonwealth of Massachusetts done theretofore to protect the people of Lawrence against the insidious canker of subnormal wages which was blighting family life? Such policies of applying public strength may be so inept and incomplete as to amount to public impotence.

There has ever been a political significance to the finely adjusted laws of property rights which have been developed by Anglo-Saxon civilization. They have served to make the small man—farmer or tanner or weaver as he might be—secure in his property-holding against the encroachment of over-lord or king. Under the changes ushered in by industry, a new race of over-lords has risen up, holding fief in the economic life. The means of production have been transferred from small to powerful hands; the industrial corporation rather than the homesteader becomes the type of property owner. Should not the

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commission gauge how far these laws of property have been turned to purposes the reverse of those for which they were intended; and how new balances may be struck?

As Professor Henry R. Seager, former president of the American Association for Labor Legislation, has pointed out, when wage earners see in the injunction process a legal remedy which may be used effectively by one side in an industrial dispute and not by the other; when the courts tell them that they may strike to better conditions, but that if they strike to strengthen the union as a means to secure those better conditions they are guilty of conspiracy; when a court's view of the boycott seems to them to involve a denial of their liberty to patronize whom they choose, and leads to jail sentences for conservative leaders like John Mitchell; when the Standard Oil Company escapes with an order to dissolve to its own profit, while the United Hatters are fined $240,000 under the Anti-trust Act; then wage earners are strengthened in the belief that for whatever purpose a law may be framed, the courts will be certain to turn it against them rather than against their employers. When, in the midst of a strike, pre-revolutionary riot acts and statutes of Edward III are summoned from their obscurity, that belief is not weakened.

The new commission could do few things more clarifying than to reëxamine the whole trend of judicial decision relating to labor disputes, and to come forward with constructive recommendations. Many of the most one-sided decisions, one way or another, are embedded in the records of the minor courts, and only such a resourceful inquiry could get them out into the open. Such an authoritative presentation could not fail of itself to lift the levels of such court proceedings in the future.

III

We have thus reviewed rapidly some of the social bearings of the work contract to which we, singly, in groups, and as a whole, are parties: the inequalities in the organizations which participate, the injection of women and children and immigrants into the situation to complicate the bargains of men, the revolutions in manufacturing methods which make the work bargain

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an ever-recurring fact, the technical development which makes it difficult, the social pressure which distorts or moulds it, the laws which apply to it with uncertainty. As Professor Hoxie puts it: "It will not do to attribute the resulting conditions and actions to ignorance, selfishness or perversity on the part of employers or workers. They but act as the inherent forces of the modern industrial system dictate." The situation is one at best filled with organic change, adjustment and readjustment. It would put to the test the most firmly woven and clearly defined fabric of industrial relations. But as a matter of fact our industrial relations are not firmly woven nor clearly defined. The economic motive has been the only element, sure, certain, omnipresent. Under pressure from it, as a natural consequence, men have taken things into their own hands; singly and in groups they have applied remedies which at worst gouged their fellows and at best have been but a partial solution. Encroachment from one quarter has been answered by encroachment from another. The leadership which has been the subject of most serious public criticism has been of the sort which has forged to the front among men on a war footing from the beginning of time. The excesses on both sides have been of the sort which are inevitable when the fabric of fair play is not strong enough nor well enough devised to stand the tension.

Viewed from the angle of the breakdown of government in the field of industrial relations, the actions of manufacturers in extending their spheres of control become not the ruthless deeds of a new breed of pirates, but the understandable efforts of men charged with the difficult task of production. Out of the invertebrate life about them they must muster all sorts and conditions of men into the team play of industry and must set them to work so that the end of each day heads up into accomplishment, must adjust them to great tools and mighty natural forces in the never-ending strategy of producing utility out of energy and raw material.

But progressive employers have failed in this: in imposing voluntary standards upon their fellows which would prevent human exploitation in any and every quarter. If the function of setting rules to the game is therefore taken over much more

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fully than in the past by the more powerful hands of the state, we may believe that the resulting stability and good-will would release for industrial executives forces of coöperation and creativeness among their men which are now battened down by private discipline and restraint.

Viewed from this same angle of the breakdown of government in the field of industrial relations, the program of organized labor becomes, in the large, not a ruthless act of aggrandizement, but the struggle of men to bring about order and security for themselves and their kind; and this struggle merges in the slow upward march of democracy. For the homesteader the sale of a peck of potatoes or of a cord of wood is but an act of trade. His acres stand intact, however the bargain goes. But on the work contract in the industrial world hinge the intimate facts of family life and well-being, the income, the leisure, the maintenance of children, the hope of safe old age, the economic strength of a self-governing people—not only all these things as they are, but the chance for what is to come. And he who views the economic well-being of the rank and file of the working people of America and regards it as sufficient and finished, is out of joint with that spirit of initiative and enterprise which asserted itself individually on the border of western settlement and which in our century is asserting itself collectively in industry. We need to overhaul the fabric of our industrial relations so that they will stand the tension and will not snap before this upward movement of the workers.

The public is directly concerned when an express or street railway strike blocks the currents of traffic, or a garbage or ice strike threatens the health of a city, or when, as in the Westmoreland strike of a year's duration, the whole scheme of life of a small community is jeopardized. During such strikes we hear a great deal about the great third party that has interests at stake—that the public must not be made to suffer. But may we not look to the Federal Commission on Industrial Relations to proclaim the public's duty as well as its rights, the duty to put its own house in order, to set about a better coördination and coöperation of all state and federal agencies

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dealing with labor conditions, to overhaul the machinery for negotiation and legal adjustment, and to get at the causes which bring employer and employee to the clash and provoke aggression from either hand. For enough has been said to show that the public's problem is not merely that of an outraged umpire in a struggle between two contending forces in our economic life. It goes deeper. For larger and larger groups of Americans it is becoming the problem of their relations as a free, self-governing people to the industrial corporations in and through which they obtain their livelihood. In one of the pamphlets issued by the committee which secured the creation of the commission, it was said :

> We have not as yet squarely faced this mighty shifting in the economic foothold of the democracy. They [industrial corporations] are becoming the permanent basis on which much family life and citizenship depend. This is truer today than it was ten years ago, truer ten years ago than it was twenty, truer in number of people so engaged, and in the size of these industrial units. It will be truer ten years from now than it is today.

Writing as chairman of the committee, Mr. Devine said :

> A "durable" question, is the expressive phrase in which Lincoln summed up the issue of slavery. This being interpreted means that it was a "struggle which was not to be settled in a day but must be stayed by and followed from phase to phase." The industrial warfare similarly presents to us a "durable" question. That is not by any means the same thing as an endless or insoluble problem. The physical conquest of the American continent was a "durable" struggle, but its geographical phase is ended in our own generation. The abolition of poverty requires a "durable" struggle, but it is within sight of sober and responsible statesmanship. The "durable struggle" as to whether this nation was "to ultimately become all slave or all free" reached its "final and rightful result" within less than ten years after Lincoln's defeat by Douglas which called forth the defeated candidate's clear formulation of the issue.

It took the stress of civil war, four score and more years after the nation was brought forth, to remove the flaw which the founders of the Republic had allowed to mar the relations

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between land and labor. With that war the United States, hitherto an agricultural country, entered upon its period of industrial development.

Fifty years later a group of forward-looking men and women challenged American statesmanship to give sober consideration to the relations between corporate industry and labor, not necessarily in the belief that any such deep-seated flaw as human slavery exists, or that war is necessary to remove it, but with the profound conviction that the revolutionary economic changes of the half-century have put new and unusual strains upon the personal rights and governmental forms which have been handed down from earlier times, and that it is the especial task of our generation to develop an industrial procedure that will readily and naturally lead to justice and fair dealing in the same way that earlier centuries saw the slow evolution of a civil society conceived in liberty.

The Commission on Industrial Relations is a response to that challenge. Upon it Congress has laid the responsibility for such a public and resourceful scrutiny of all the facts, that before we enter upon any partial or fragmentary solutions, the situation may be seen as a whole and understood of all men.

PAUL U. KELLOGG.

NEW YORK CITY.

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REPUBLICAN CONVENTION REAPPORTIONMENT

IN all discussion about the rehabilitation of the Republican party the most insistent demand is for the readjustment of the party machinery to render it truly representative of party membership. I have more than once called attention to this weak spot in our system of president-choosing, growing out of the overweighted delegations from the southern states which can boast but paper organization, and which contribute no electoral votes to the Republican column.[1] Recognizing the defect, it would seem easy to apply the remedy merely by proclaiming a new basis of representation proportioned to the popular vote registered for the party standard-bearers. But the problem is by no means so simple as it looks on the surface. Nor is it easy to unite behind any substitute plan those who admit the unfairness of the present apportionment.

The complaint against the disproportionate representation in determining Republican presidential nominations is not new; nor have previous efforts to correct the apparent abuse been wanting. The obstacles in the way, however, have not yet been successfully surmounted; nor is it reasonable to expect that the arguments heretofore advanced to perpetuate the existing delegate distribution will be withdrawn now, and the beneficiaries consent without protest to a reformation that to them will be equivalent to self-effacement. To give proper perspective to this subject, it must be treated from two viewpoints: first, the historic origin and subsequent evolution of the present apportionment; and second, the various remedies proposed, the differences between them, and the results which might be expected from them. All consideration of the subject must, of course, assume that we are to continue our president-choosing, at least for the immediate future, by the mechanism of convention nominations and electoral-college balloting, and that nominations by a nation-wide presidential primary and election by direct popular vote are still more or less remote.

[1] American Review of Reviews, March, 1908; also same magazine March, 1911.

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I.

The first national convention of the Republican party, which met in Philadelphia in 1856 and nominated John C. Fremont for president, assembled in response to a call emanating from the chairmen of a number of state free-soil organizations who had previously met in Pittsburgh to outline a plan for a national movement. This call invited "the people of the United States without regard to past differences or political divisions" who favored the principles and policies set forth "to send from each state three delegates from every congressional district and six delegates-at-large." We have, therefore, at the very inception of the party two essential elements of party policy proclaimed: the dual representation of states and congressional districts, and the equality of representation of the several geographical units. This arrangement appears to be a wholly natural development from established precedent. Nomination of presidential candidates by delegate conventions had been preceded by nomination by caucuses of the members of the two houses of Congress belonging to the respective parties. In Congress each state is represented by senators and each separate congressional district has its own representative. The representation in Congress, furthermore, had a counterpart in the representation in the electoral college, except that the electors, when not appointed by the legislatures, were chosen at large more frequently than by districts.

Had any different disposition been manifested at that time, it would still have been difficult, if not impossible, to have adopted a rate of representation proportioned to party membership, because no test of party strength was available, since no Republican candidates had been entered in any previous presidential contest. The only question that could then have been raised in this connection was whether any particular state or district was entitled to be represented at all—a question that goes to the fundamentals of the whole controversy. Should a delegation from irrevocably slave states be admitted to a convention built on free soil and free men? And if admitted, should such delegations have the same voice and vote as a delegation sent by a northern constituency many times as numerous and

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ready and able to do yeomen service in the cause? It is interesting to note that this issue was precipitated in the very next convention, the convention which first nominated Abraham Lincoln, and that the debate then evoked nearly all of the arguments pro and con that have since been brought to bear on it.

It seems that when the credentials committee reported the list of delegates by states with the number of votes accredited, a motion was made to recommit that part relating to the delegation from Texas; to which, amendments sought to add the states of Maryland, Virginia and Kentucky, the territories of Nebraska and Kansas, and the District of Columbia. The result was that the whole report was finally recommitted. The brunt of the attack against the admission of delegations representing dubious constituencies was borne by David Wilmot of Pennsylvania, of Wilmot Proviso fame, who put the case thus prophetically:

> I cast no imputation upon the gentlemen who have come here to this convention. I have full confidence in their integrity and in the earnestness and zeal with which they are enlisted in the cause; but, sir, in another convention that may assemble here, gentlemen may come from South Carolina, from Arkansas and from Mississippi for the express purpose of controlling, demoralizing and breaking up the Republican party. Now, sir, if this is not stopped, there is no help for us. The true policy of the Republican party is to allow all its members a voice, but in proportion to their numbers.

Again in reply he asked: "Will the distinguished gentleman from New York, a candidate before this convention, or his friends, consent that they be overslaughed or defeated by the votes of gentlemen representing no party, by gentlemen having no constituents?"

Let me quote brief selected excerpts from the objections and appeals interposed on the other side:

Mr. Ewing of Pennsylvania retorted to Mr. Wilmot: "I deprecate the sentiment of my friend from Pennsylvania. We all come here as Republicans and those men who come here from the states named deserve ten times as much credit as those who came here from the free states."

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Mr. Armour of Maryland asserted: "If ever we expect Republican principles to prevail all over the land, we must organize, and you who live in northern states must fraternize with us and not despise the day of our small things."

Mr. Cleveland of Connecticut struck a similar note:

> We have been charged for years with being a sectional party. The lie does not stick in their throats, but we can make it stick in ours and theirs by our folly; we are not a sectional party! We want the slave states to come here and be represented. A large majority of the voters south, if they dare express it in the South, would be with us. Their hearts are with us now. For God's sake and humanity's sake let us not establish the fact by our folly that we are a sectional party and hate the slave states.

Mr. Montgomery Blair of Maryland took a more moderate position:

> We wish no larger voice in this deliberation than the gentlemen of the convention with whom we are associated shall deem our members and those whom we represent entitled to have on this floor. We do not wish to stand here as dictating to those who have to elect the candidates. We ask only to be heard, and if permitted we will give our votes in the direction which we think ought to be taken by the convention; but we do not wish and we will endeavor so to act—and I am sure I represent the sentiments of those who are associated with me—upon this point as to give any controlling voice in the convention.

Arguments were also put forward in behalf of those who were concerned in the outcome of presidential elections, but who had no voice in choosing between the candidates after they were nominated.

Mr. James Wyse of the District of Columbia said:

> I stand here the representative of the persecuted and downtrodden and disfranchised people that have no vote for president, no voice in Congress, and no voice anywhere to legislate for us, and yet our territory contains 100,000 freemen. We came here like the gentlemen from Maryland daring to be Republicans.

And Mr. Phillips of Kansas spoke in behalf of those whose disfranchisement was but temporary:

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The people of Kansas in 1856 appeared in the national Republican convention and threw a vote for the then Republican nominee. If Kansas had not been one of the strongest and best united organizations in the Republican party she would have been received into the Union years ago by the Democrats at Washington. She stands now a territory because she would not share or accept the spoils of the Democratic party. I do not think the gentlemen of this convention will demand that Kansas be excluded.

Mr. Oyler of Indiana, who spoke warmly on behalf of the voters in the southern states and urged their right to representation in the nominating convention, took a different position with regard to the territories:

I have a word to say about the territories. I don't think that they stand upon the same ground. The call is not to them. They have no vote for our candidates after we have nominated them, and I am in favor of following out the rule of the federation; I am in favor of the delegates from the territories holding seats upon the floor, being heard, and attentively heard, on our part. I am in favor of their counselling with us, but when it comes to the vote, as they have no vote for the ticket, they ought not to vote formally. The District of Columbia is in the same fix.

As finally adopted, both the report of the credentials committee, and that of the committee on rules, provided for the seating of all the delegations commissioned from the various states and territories, but gave the territories no vote. When the roll call was had, however, on platform and candidates, the votes of all of them were recorded. An attempt by Maryland to fill up its vacancies, and thus increase its vote, proved unsuccessful, but the only other echo of the ruction was the presentation the next day of a resolution instructing the national committee to revise the apportionment for the next convention, which resolution was promptly laid on the table without debate.

In the convention of 1864 two reports on according votes to the territories came in from the credentials committee, and on motion the minority report granting their delegates all the privileges of other delegates was adopted. In this way the right of the territories and of the District of Columbia to full representa-

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tion was established. This was later extended to include Hawaii and the insular possessions acquired as a result of the war with Spain.

In the convention of 1880 came the fierce fight that clinched the dual unit of representation, and the individual responsibility of the delegate, as two cardinal doctrines of the party. The point involved cannot, I believe, be better stated than by quoting from the conflicting findings of the committee. This is what the majority report declares:

An examination of the calls of conventions prior to 1880 confirms the correctness of the call for this convention. The call for 1856 invited "from each state, three delegates from every congressional district and six delegates-at-large." The call for the convention of 1860 invited the sending "from each state, two delegates from every congressional district and four delegates-at-large." The call for 1864 merely declared each state to be "entitled to as many delegates as shall be equal to twice the number of electors to which such state is entitled in the electoral college of the United States." The calls for 1868, 1872 and 1876 adopted substantially the language of the call for 1864. It will thus be seen that the call for 1880, in inviting "two delegates from each congressional district, four delegates-at-large from each state," purposely passes to and expressly adopts the language of the earlier calls of 1856 and 1860.

This form of call for this convention was not, it may fairly be presumed, adopted without a purpose. It was expressly intended to remove any doubt which might possibly be raised and to make positive and indisputable district representation, which had its origin with the birth of the Republican party, as shown by the calls for the conventions of 1856 and 1860.

If the question of district representation is to be decided, therefore, by a consideration of the call for this convention, it must be settled in favor of the right of such representation.

The justice and equity of recognizing, securing and protecting congressional district representation is also demonstrated by the actual precedents of the Republican party since its organization in 1856, which may be summarized as follows: First—In all the official records of the proceedings of the conventions from 1860 to 1876, the lists of delegates include (with insignificant exceptions), first, delegates-at-large, and next the delegates residing within and selected from each

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congressional district. Second—In no single case prior to 1880, which has been shown to the committee, has the selection of delegates fairly made within and for any congressional district by the Republicans within such district, been overruled or changed by a state convention, or by any other means of authority. Third—The last proposition is true, whether the delegates within any state have been chosen by separate district conventions held within the districts, or at a single state convention, and where state conventions have been held it has been the almost universal practice to allow the delegates to such state conventions from each congressional district to hold separate district conventions, and select the national delegates from each district.

This long current of precedents, and this universal custom of the past, most conclusively establishes the right of congressional district representation. It is a question of substance, and not of form. Whether the delegates have come certified from separate district conventions, or whether they have come from a state convention, where the district members thereof have selected their district representatives, and formally reported them to the state convention, and their election has been certified, for brevity and convenience, only by the officers of the state convention, district representation, in fact, has always been allowed. The right of the congressional district to two members, residing within it and representing its sentiments, has been treated as sacred, and your committee do not believe that it should be now for the first time invaded with the approval of a national convention. Not only does the call for the convention, and the practice and precedents of the party, in one unbroken line, indicate and secure the right of single district representation, but every consideration of the reason of the practice tends to confirm its wisdom.

The purpose to be secured in nominating a president is the selection of a candidate the most likely to be accepted by the people, and the nearer we get to the popular feeling, in the manner of selecting delegates, the wiser and safer will be our nominations. If a state convention called to choose delegates to a national convention can, by a bare majority, overrule the choices of the congressional districts and select delegates residing within the districts who do not represent its sentiments, they might as well be allowed to select all the delegates from one congressional district. Residence within a district, coupled with misrepresentation of its sentiments, is a mockery. The delegates thus selected by a state convention will not fairly represent the masses of the Republicans of the state, but frequently will misrepresent them. Nominations made by conventions of such delegates will not be so

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likely to be ratified at the polls; and, in the opinion of the committee, it is the duty of the convention emphatically to disapprove these attempts to override time-honored customs of the party, and to vindicate the right of every congressional district to be represented in a national convention by two delegates of its own selection, and expressing its own sentiments.

In diametrical opposition, the minority argue:

The inquiry, then, resolves itself simply into this: Had the state convention the right to determine the manner in which delegates to the national convention should be selected? This is the state of the question, and all there is substantially in the controversy; and this branch of the subject may be treated in two parts: first, as to the matter of precedent; and second, as to the inherent rights of state conventions to regulate and direct, without supervision or control, the order and methods of their business, and the performance of their political duties.

The proposition now is, for the national convention here assembled to deny the right of the state convention of the state of Illinois, acting as a convention, to determine the methods by which the delegates to a national convention shall be elected.

The denial of such a right and proceeding from this quarter would work results, as we believe, utterly disastrous to the harmonious action of the party throughout the Union. The various states in the Union will not tolerate it, and will not accept the doctrine that the national convention, made up of all the states, shall dictate the methods of proceeding to the convention of any state. The course pursued in Iowa and in Kansas and in Nebraska is quite like that adopted by the Republicans of the state of Illinois. The methods of Massachusetts may, perhaps, be much wiser and better than the methods of Illinois, but Illinois insists on the right of selecting its own methods, and while it will gladly accept suggestions from Massachusetts or Maine, or any other state, denies the right of Massachusetts or Maine, or any other state, to manage its state conventions, or attempt even to direct the methods which the Republicans of the state of Illinois shall adopt for the expression of their convictions and opinions.

It is, of course, a matter of history that the majority report in favor of district representation prevailed by a decisive, but not overwhelming, vote. The same convention agreed to an amended rule requiring the national committee to prescribe a

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method, or methods, for the election of delegates to the next national convention, and to incorporate the district unit into the call.

The bitterness of that struggle for the nomination, and the doubtful outlook of the next subsequent campaign, prompted another effort in the convention of 1884 at revision of the representation basis, which, however, got no further than a minority report, never put to a vote. The short debate, while it lasted, was sharp and to the point. The advocates of the change urged again the injustice of the flagrant disproportion, but the opposition rallied in force. "Remember that in 1876 gallant Florida gave you the presidency," retorted a gentleman from Kentucky, while an Ohio man added: "I do not believe this convention should impose a penalty upon the southern Republicans because the Democracy has disfranchised them."

"Now gentlemen, as a southern Republican," asserted Mr. Lynch of Mississippi, the colored delegate who had previously been made temporary chairman for the avowed purpose of according recognition to the mistreated Republicans of the South, "I say that if you will so change the national law—as in my opinion you have the right under the Fourteenth Amendment to do—as to reduce the representation in Congress, and in the electoral college, of states that disfranchise voters as they do in the South, we will submit to it." Although Mr. John D. Long of Massachusetts tried to save the situation by moving to refer the whole matter to the national committee, the maker of the minority report, Mr. R. R. Bishop, of that same state, terminated the controversy by saying:

> It is entirely evident what the sentiment of this convention is. It is not for those of us who have held a different view to say that that sentiment is not right. We bow with entire cheerfulness to the sentiment of the convention because we too have as much earnestness in our feeling for the Republicans of the South as any Republicans in the country. I therefore withdraw the motion made by me a few moments ago.

Reapportionment was not again projected in open convention until 1900, when the proposal by Mr. Quay of Pennsyl-

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vania took an almost identical course. Mr. Lynch of Mississippi renewed his demand that Congress first proportionally reduce the representation in the national legislature of states denying the suffrage to the negro. The debate was merely casual because consideration was postponed, and the plan withdrawn by Mr. Quay the next day.

The Quay proposal, with slight variation, reappeared in the 1908 convention sponsored by Mr. James Francis Burke of Pennsylvania, and supported by fifteen members of the rules committee. This time, it came, after a brisk debate, to the show-down of a vote by roll-call, the revolutionary minority report being rejected by a vote of 506 to 471.

A change in the same direction was incorporated in a minority report presented to the 1912 convention, but elicited no discussion as the adoption of a motion to table disposed of it seemingly without dissent.

II

Essential as a prelude to consideration of the remedy is a review of the reapportionment proposals already made. There have been five such proposals, each separate and distinct, each proclaimed with the purpose to make representation more nearly reflect the strength of the party, and every one of them different from the others. Let me take an inventory of them in their chronological order, and comment on them as we go along:

1864—Presented by Mr. Ashley of Ohio:

> That the basis of the nominating vote be fixed as near as may be in proportion to the number of Republican electors found to reside, at the last general state election preceding the nomination, in each congressional district throughout the Union.

This plan, although not very definite, seems to me to aim at a directly proportional allotment of delegates. If, for example, Delaware's support of the Republican candidate for president entitle it to one delegate in convention for 4000 votes, as it has had, then New York would be entitled to 215 delegates instead of to only 90. As a matter of fact, this would measure the

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exact relative weight of the states in the same manner as would a nation-wide presidential primary. It would also ignore altogether the territorial basis of our federal union. It will be observed, too, that this plan would use as its basing point the returns of the last state election—a deviation which would not ordinarily commend itself, because the returns of state elections cannot be relied on for an accurate division between the parties in presidential elections. It would also shut the door absolutely upon the areas occupied by people subject to our government, but casting no vote.

1884—Presented by Mr. Chahoon of New York:

Resolved, That in future Republican national conventions representation by delegates shall be as follows:

First—Each state shall be entitled to four delegates-at-large and to one additional delegate-at-large for each representative-at-large, if any, elected in said state at the last preceding presidential election.

Second—Each territory and the District of Columbia shall be entitled to two delegates-at-large.

Third—Each congressional district shall be entitled to one delegate, and an additional delegate for every 10,000 votes, or majority fraction thereof, cast for the Republican presidential electoral ticket at the last preceding presidential election.

In this plan we find upheld the equality of the states in their delegates-at-large, and likewise the equality of the territories, while the representation of each district is reduced to one delegate unless it had polled a Republican presidential vote entitling it to further recognition at the rate of one additional delegate for every 10,000 votes or major fraction thereof. One palpable objection here would be that the territory, with no voice whatever in the electoral college, would have more weight in nominating the candidate than would many of the congressional districts possessing the potentiality of substantial help in the election.

1900—Presented by Mr. Quay of Pennsylvania:

That hereafter each state shall be entitled to four delegates-at-large and one additional delegate for each 10,000 votes, or majority fraction thereof, cast at the last preceding presidential election for Republican

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electors; and six delegates from each organized territory and the District of Columbia.

This Quay plan, let it be noted, would abolish the congressional district as a unit of representation, and have all the delegates chosen as delegates-at-large. The reasons that may properly be urged against such a departure have already been stated in the discussion of the district unit. To destroy district representation would indisputably remove the nomination of presidential candidates farther away from the people, not bring it closer to them. To increase the delegate allotment to the territories, and to other non-voting areas, while reducing the number of delegates accorded to the districts in the electoral college is also illogical. The Quay plan has attracted more attention than any other because of the prominence of its sponsor, and also because it was reinforced at the time by a graphic statistical exhibit exposing the extremes to which the existing system had led.

1908—Presented by Mr. Burke of Pennsylvania:

That the basis of representation in the Republican national convention hereafter shall be as follows: Each state shall be entitled to four delegates-at-large and one additional delegate for each 10,000 votes, or majority fraction thereof, cast at the last preceding presidential election for Republican electors, four delegates from each territory and two each from the District of Columbia, Alaska, Porto Rico and the Philippines.

The Burke plan is the Quay plan over again[1] with representation of territories cut down to four, and of the District of Columbia and insular possessions to two. It provides only for delegates-at-large, but has this in its favor, that it avoids giving any territory without electoral votes more votes in convention than a state with electoral-college assets to deliver.

[1] Just how the Quay-Burke plan would result if actually applied to the several states, the territories and insular possessions, may be gathered from the following apportionment table computed by the formula upon the returns of the last three presidential elections:

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STATES AND TERRITORIES	DELEGATES IN 1912 CONVENTION	QUAY-BURKE PLAN COMPUTED ON BASIS OF VOTE CAST IN		
		1904	1908	1912
Alabama	24	6	7	5
Arizona	6	4	4	4
Arkansas	18	9	10	6
California	26	25	25	4
Colorado	12	17	16	10
Connecticut	14	15	15	11
Delaware	6	6	7	6
Florida	12	5	5	4
Georgia	28	6	8	5
Idaho	8	9	9	7
Illinois	58	67	67	29
Indiana	30	41	39	19
Iowa	26	35	32	16
Kansas	20	25	24	11
Kentucky	26	25	28	16
Louisiana	20	5	5	4
Maine	12	10	11	7
Maryland	16	15	16	9
Massachusetts	36	30	31	20
Michigan	30	40	38	19
Minnesota	24	26	24	10
Mississippi	20	4	4	4
Missouri	36	30	39	25
Montana	8	7	7	6
Nebraska	16	18	17	9
Nevada	6	5	5	4
New Hampshire	8	9	9	7
New Jersey	28	29	31	13
New Mexico	8	4	4	6
New York	90	90	91	49
North Carolina	24	12	15	7
North Dakota	10	9	10	6
Ohio	48	64	61	32
Oklahoma	20	8	15	13
Oregon	10	10	10	7
Pennsylvania	76	88	79	31
Rhode Island	10	8	8	7
South Carolina	18	4	4	4
South Dakota	10	11	11	4
Tennessee	24	15	16	10
Texas	40	9	11	7
Utah	8	10	10	8
Vermont	8	8	8	6
Virginia	24	9	9	6
Washington	14	14	15	11
West Virginia	16	17	18	9
Wisconsin	26	32	29	17
Wyoming	6	6	6	5
Alaska	2	2	2	2
District of Columbia	2	2	2	2
Hawaii	6	4	4	4
Philippine Islands	2	2	2	2
Porto Rico	2	2	2	2

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1912—Presented by Mr. Coleman of Pennsylvania:

Resolved, That hereafter representation in the Republican national convention shall be as follows: One delegate from each congressional district within the various states of the Union, and one additional delegate from each of said congressional districts for every 10,000 votes, or majority fraction thereof, cast at the last preceding presidential election for Republican elector receiving the largest vote, and two delegates each from the District of Columbia, Alaska, Hawaii, Porto Rico and the Philippines.

This latest and already almost forgotten plan, supposed to embody the demands of the ultra-progressive minority in that convention, goes back to the congressional district unit of representation, and in so doing eliminates the delegates-at-large. By its provisions all the delegates would be district delegates. Each congressional district would be assured one delegate with the opportunity to add to the number for each 10,000 votes or major fraction recorded for the national ticket. This last proposed reorganization plan would obviously accentuate the preponderance of the big states over the little states, and would also give the territories not yet integral parts of the union as many, if not more, votes than it would give to certain of the states (those having but one congressional district) admitted to full membership in the union.

But for the 1916 convention, the Republicans have conditions confronting them which were not within the purview of any of these reapportionment plans when proposed. No one pretends that the vote polled for the Republican candidate in 1912 would furnish a fair basis for any of these apportionment schemes. Every one knows that in two states the Republicans were last year deprived of even a party place on the ballot. In many states large numbers of Republicans voted the Democratic ticket or the Progressive ticket with no intention of permanently abandoning their own party, and they expect to participate in the next presidential preliminaries—in fact, the very purpose of reorganization is to bring them back. The strangest thing is that the southern states, for the most part, whose over-representation had precipitated the trouble, would suffer less from

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the defections in the last election than would several northern states priding themselves on being the bulwark of the Republican party. To go back to 1908 for a basis of representation would hardly supply the deficiency, for under normal stress the changes of eight years would alter relative values, and it is certain the 1908 returns do not now reflect the distribution of the party's strength among and within the states and territories.

Still another new development demands consideration, and that is the change in the body of the electorate. If the disfranchisement of the blacks in the South vitiated the allotment of delegates on the electoral college plan, the enfranchisement of the women in other states, almost doubling the number of voters, has there sent the pendulum as far in the other direction. A congressional district in California, for example, elects but one member of Congress (being apportioned on the basis of population) and adds but one member to the electoral college. But in choosing convention delegates such district, if awarded an additional delegate for each 10,000 votes or major fraction, would have two votes for one as compared with the non-suffrage district. The unfairness of this disproportionate representation would differ only in degree from the unfairness of giving to southern states convention delegates for disfranchised black voters shut out of the polls at the election.

Still another new condition must be borne in mind, although the obstacle thus presented is perhaps local. Quite a few of our states have enacted legislation purporting to govern the election of national convention delegates. In my own state of Nebraska, in Wisconsin, in Oregon, and I believe also in other states which have similar statutes, this law provides for the choosing of delegates for all political parties at one primary election, and in the same manner. As drawn it calls for the election every fourth year of four delegates-at-large and two delegates in each congressional district; in other words, all these laws assume the permanency of the existing apportionment. If they control, they must be changed to meet any change promulgated by the party itself. It should be mentioned that able lawyers wholly deny to the states any power to legislate over national conventions or to fix the representation of the

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state in such conventions. It is, however, not necessary in this connection to explain the reasoning or to pursue the point they make.

III

One may concede the injustice of the present apportionment and yet reply that it is easy to criticise and to pick to pieces. It is a proper and pertinent question to ask what one has to offer in its place. Let me attempt an answer. From my study of the subject I am convinced that the national nominating convention should rest on the same dual basis of equality between the states, and proportion to numbers as does the national legislature in its two branches. I would retain the delegates-at-large for the state in double the number of its senators as now, and I would accord each congressional district one delegate, with the right to earn an additional delegate, or delegates, by substantial contribution to the voting strength of the party. To avoid the disproportion arising from the varying suffrage qualifications in the different states, I would compute this ratio, not by absolute number of 10,000 votes, but by a proportion, say 20 or 25 per cent, of the entire vote for president cast in each particular district. If the vote were doubled then by the inclusion of the women, the percentage representation would still maintain the parity. In the matter of the territories, the District of Columbia, and the insular possessions, I would go back to the original plan of the first Republican conventions, which also conforms to the practice of Congress, and admit territorial delegates to have a voice in the councils of the party, but with no vote in them. Reduced to the text of a definite proposal, this is what I would offer:

That representation in the next Republican convention be apportioned as follows:

Four delegates-at-large from each state.

One additional delegate-at-large from each state for each representative in Congress elected at large.

One delegate from each congressional district.

One additional delegate from each congressional district in which the Republican candidate polled more than one-fourth of the total vote

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last cast for president in such district, and one additional delegate for each additional one-fourth of said total vote so polled.

Two delegates each from Alaska, the District of Columbia, Hawaii, Porto Rico and the Philippine Islands, which delegates shall have a voice in the convention, but no vote either in the convention or in any of its committees.

The advantages which should commend this proposal, as I see them, may be briefly enumerated:

(1) It insures a national, as against a sectional, party organization. It does this by according delegate representation in the convention to every state, congressional district and territorial possession.

(2) It makes party strength a main, but not exclusive, factor in determining representation. To that extent it reduces the disproportion of representation, and gives effective voice to the party membership in states which must be depended on to elect the ticket.

(3) It holds to the dual unit of state and congressional district representation with accompanying safeguards against misrepresentation of each constituency.

(4) It provides against complete disfranchisement of party membership in any state by "grandfather clauses," or other arbitrary restrictions, imposed by legislatures under domination of a hostile political party.

(5) It contains an element of elasticity by which it will adjust itself to changes in the electorate whether limited by education tests or poll taxes, or enlarged by woman suffrage. This percentage method of computation would also protect the representation where but a small total vote is polled in states or districts practically uncontested because "sure" for one side or the other.

(6) While formulated to meet the conditions of Republican convention representation, it will stand the test of general application, and would in like manner work a similar improvement in the apportionment plan of the Democrats, the Progressives, or of any political party in the national arena.

VICTOR ROSEWATER.

OMAHA, NEBRASKA.

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THE BALKAN ADJUSTMENT

IN a previous article,[1] the author traced the course of events in the Balkans from the overthrow of Abdul Hamid by the Young Turks in July, 1908, to the Peace Conference held in London in January, 1913, to consider the terms of peace between the victorious allies and the defeated Turks. The concluding sentence of that article read as follows: "Prophecy in the field of politics is proverbially hazardous, and to forecast the future of the Balkan states is a futile undertaking." Seldom have events more amply justified a point of view.

It will be remembered that when the Peace Conference met at London, December 13, 1912, there was also opened upon the invitation of Sir Edward Grey, a conference of the ambassadors of the great powers to keep in touch with the progress of the negotiations. It is not too much to say that but for the existence of this ambassadorial conference it would have been impossible to keep the peace during the past year between the two great powers most directly interested in the Balkan problem, *viz.* Russia and Austria-Hungary.

The Peace Conference came to naught and hostilities were resumed on February 14, 1913, because of the impossibility of agreement between the allies and Turks on three important points: the status of Adrianople, the disposal of the Ægean islands and the payment of an indemnity by Turkey. Bulgaria and Turkey both maintained that Adrianople was essential to their national safety. Moreover its possession by Bulgaria was absolutely necessary were she to secure the hegemony in the Balkans at which she aimed. On the other hand, to the Turks, Adrianople is a sacred city around which cluster the most glorious memories of their race. Thus they would yield it only as a last necessity. The ambassadorial conference, anxious to bring to an end a war which was threatening to embroil Austria-Hungary and Russia and desirous also to make the settlement

[1] POLITICAL SCIENCE QUARTERLY, March, 1913, vol. xxviii, pp. 95–122.

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permanent, had already on January 17 in its collective note to the Porte unavailingly recommended to the Porte the cession of Adrianople to the Balkan states.

The question of the Ægean islands presented similar difficulties. They are inhabited almost exclusively by Greeks who demand to be united to the mother country; but Turkey insisted that the possessions of some of them (*e. g.* Imbros, Tenedos and Lemnos) is necessary to her for the protection of the Dardanelles, since they command the entrance to the straits, while others (*e. g.* Chios and Mitylene) are part of Asiatic Turkey. The Greeks asserted that to leave any of them to Turkey would cause constant unrest in Greece, and subsequent uprising against Turkey, thus merely repeating the history of Crete. Moreover, the Greeks maintained that they must have the disputed islands because they are the only large and profitable ones; but they expressed a willingness to neutralize them so that the integrity of the Dardanelles would not be endangered. The difficulty was complicated by the retention of a number of the islands by Italy until Turkey should fulfil all the provisions of the Treaty of Lausanne arising from the Tripolitan war. The Greeks asserted that their fleet would have taken all the islands except for the Italian occupation. Moreover, they are suspicious of Italian intentions, especially with regard to Rhodes. The ambassadorial conference in its collective note to the Porte had advised the Porte "to leave to the powers the task of deciding upon the fate of the islands of the Ægean Sea and the powers would arrange a settlement of the question which will exclude all menace to the security of Turkey."

The third question in dispute concerned a money indemnity. The war had been a fearful drain upon the resources of the allies. They were determined not to share any of the Ottoman debt and to compel Turkey, if possible, to bear the financial burden of the war. But to yield to this demand would absolutely destroy Turkish credit. This would result in the financial ruin of many of the subjects of the great powers. Hence this demand of the allies met with scant favor in the ambassadorial conference.

The war dragged on during the entire month of February

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without changing the relative positions of the belligerents. In the meantime, the relations between Austria-Hungary and Russia were daily becoming more strained. This was due to the determination of Austria-Hungary to prevent Servia from securing a seaboard upon the Adriatic. In the slogan of the allies, "the Balkan peninsula for the Balkan peoples," Austria-Hungary found a principle which could be utilized against their demands. She took the stand that the Albanians are a Balkan people entirely distinct from Slavs and Greeks and particularly unfriendly to the Slavs. It would be as suicidal to place any of the Albanians under the Slavs as to put back any of the Slavs under the Turks. Albania must be an autonomous state; that it may live in peace, it must possess its seaboard intact. In this position Austria-Hungary was seconded by Italy, which has interests in Albania as important as those of Austria-Hungary. Neither state can afford to allow the other to possess the eastern shore of the Adriatic; and both are determined that it shall not fall into the possession of another possibly strong power.

As early as December 20, 1912, the ambassadors had recommended to their governments, and the latter had accepted, the principle of Albanian autonomy, together with a provision guaranteeing to Servia commercial access to the Adriatic. This had aroused the intense indignation of the Serbs whose armies, contrary to the express prohibitions of Austria-Hungary had already occupied Durazzo on the Adriatic and overrun northern Albania. The Serbs denied the right of any state to forbid them to occupy the territory of the enemy whom they had conquered, and Servia sent a detachment of her best troops and some of her largest siege guns to help the Montenegrins take Scutari. Moreover, numerous reports of outrages committed upon Albanians by the "Liberators" in their attempts to convert both Moslem and Catholic Albanians to the orthodox faith reached central Europe and caused great anger in Vienna. Count Berchtold's statement to the Delegations that Austria-Hungary would insist upon territory enough to enable independent Albania to be a stable state with Scutari as the capital, aroused in turn much excitement in Russia. Scutari was the chief goal of Montenegrin ambition. To possess it had been

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the hope of King Nicholas and his people during his long reign of half a century. To forbid him to possess it would be to deprive him of the fruits of the really heroic sacrifices his people had made during this war. Hence the excitement in all Slavdom. On February 7 Francis Joseph sent Prince Hohenlohe to St. Petersburg with an autograph letter to the Tsar which had the good effect of reducing the tension between the two countries.

The ambassadorial conference at London then directed its attention exclusively to settling the status of Albania. After more than a month of acrimonious discussion a settlement was reached on March 26 in which the principle of nationality which had been invoked to justify the creation of an independent Albania was quietly ignored. The conference agreed upon the northern and northeastern boundaries of Albania. In order to carry her point that Scutari must be Albanian, Austria-Hungary agreed that the almost exclusively Albanian towns of Ipek, Djakova, Prizrend and Dibra should go to the Serbs. On April 1 King Nicholas was notified that the powers had unanimously agreed to blockade his coast if he did not raise the siege of Scutari. His answer was that the proposed action of the powers was a breach of neutrality and that Montenegro would not alter her attitude until she had signed a treaty of peace. At once the warships of all the powers save Russia (which had none in the Mediterranean) engaged in the blockade. On April 15, owing to the pressure of the powers and to the strained relations that had arisen between Servia and Bulgaria, the Servian troops were recalled from Scutari. Nevertheless the Montenegrins persisted alone and Scutari fell April 22, 1913. Two days later the Austro-Hungarian government demanded that vigorous action be undertaken by the powers to put independent Albania in possession of Scutari according to the agreement of March 26. At once the greatest excitement prevailed throughout Russia. Street demonstrations against the Austro-Hungarian policy were held in many of the large cities. In Austria-Hungary military preparations became active on a large scale, and on May 1 the Dual Monarchy gave notice that it would undertake individual action should Montenegro not agree to the ultimatum. Italy, which is determined never

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to permit the Dual Monarchy individual action in Albania, announced that she would support her ally. As the result of all the pressure brought to bear upon him, on May 5, King Nicholas yielded and placed Scutari in the hands of the powers, just in time, as Sir Edward Grey informed the House of Commons, to prevent an outbreak of hostilities between Austria-Hungary and Russia. On May 14 the sailors from the international fleet took possession of Scutari, where they have since remained awaiting further action of the powers with reference to the new state.

While the chancelleries of the great powers were thus straining every nerve to agree upon the status of Albania and thereby to prevent a conflict between the two powers most vitally interested, the war between the allies and Turkey was prosecuted during March with greater vigor and with more definite results. On March 5 Janina surrendered to the Greeks and on March 26 Adrianople fell. The powers had already offered to mediate between the belligerents, and their good offices had been accepted by both sides. The allies at first insisted upon the Rodosto-Malatra line as the western boundary of Turkey, but having been informed that the powers would not consent to giving Bulgaria a foothold on the Dardanelles, they notified the powers on April 5 that they would sign an armistice upon the following terms:

(1) The Enos-Midia boundary line to be a basis for discussion.

(2) The Ægean islands to be ceded by Turkey to the allies.

(3) Turkey to pay an indemnity of $300,000,000.

(4) The powers to inform the allies beforehand of all the boundaries of Albania.

On April 8 the allies received the answer of the powers to their proposals:

(1) The Enos-Midia line was accepted as a basis for a boundary.

(2) The powers reserved absolutely the status of the Ægean islands for settlement.

(3) The question of a war indemnity and the Ottoman debt to be settled by a financial commission to sit at a later day at Paris.

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(4) The delimitation of the boundaries of Albania to be determined by the powers.

After much outcry and violent denunciation by the allies, an armistice was signed at Bulair on April 19 by representatives of all the belligerents except Montenegro, which was thereby only incited to more heroic efforts to capture Scutari. Nevertheless the allies had profited so much by delay in their relations with the powers since the very outbreak of the war that they now hoped to secure advantages by a similar policy, and it was not until May 21 that their representatives reassembled at London. Even then there appeared to be no sincere desire to come to terms, and on May 27 Sir Edward Grey informed the delegates that they would soon lose the confidence of Europe, and that for all that was being accomplished they might as well not be in London. The delegates were very indignant at this strong language, but it had the desired effect, for on May 30, 1913, the Treaty of London was signed by the representatives of all the belligerents. Its principal provisions were those already suggested by the powers, *viz* :

(1) The boundary between Turkey and the allies to be a line drawn from Midia to Enos, to be delimited by an international commission :

(2) The boundaries of Albania to be determined by the powers.

(3) Turkey to cede Crete to Greece.

(4) The powers to decide the status of the Ægean islands.

(5) The settlement of all the financial questions arising out of the war to be left to an international commission to meet at Paris.

It was time for a settlement, since the problem was no longer to secure peace between Turkey and the allies, but rather to maintain peace among the allies. The solution of the great problem of the war, the division of the spoils, could no longer be deferred. From the moment that Adrianople had fallen, the troops of Bulgaria, Servia and Greece manœuvered for position, each state determined to secure possession of as much territory as possible, in the hope that at the final settlement it might retain what it had seized. To understand the genesis of the second

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Balkan war it is necessary to consider the validity of the claims put forward by the various states.

When the secret treaty of alliance of March, 1912, between Bulgaria and Servia against Turkey was signed, a division of the territory that might possibly fall to the allies was agreed upon. Neither Bulgaria nor Servia has ever published the treaty in full, but from the denunciations and recriminations indulged in by the parliaments of both, we know in general what the division was to be. The river Maritza, it was hoped, would become the western boundary of Turkey, and a line running from a point just east of Kumanova to the head of Lake Ochrida was to divide the conquered territory between Servia and Bulgaria. This would give Monastir, Prilip, Ochrida and Veles to the Bulgarians—a great concession on the part of Servia. Certain other disputed towns were to be left to the arbitrament of the Tsar of Russia. The chief aim to be attained by this division was that Servia should obtain a seaboard upon the Adriatic Sea, and Bulgaria upon the Ægean. Incidentally Bulgaria would obtain western Thrace and the greater part of Macedonia, and Servia would secure the greater part of Albania. These calculations had been entirely upset by the course of events. Bulgaria's share had been considerably increased by the unexpected conquest of eastern Thrace including Adrianople, whereas Servia's portion had been greatly diminished by the creation of an independent Albania out of her share. Moreover, M. Pashitch, the Servian prime minister, maintained that whereas by the preliminary treaty Bulgaria was to send detachments to assist the Servian armies operating in the Vardar valley, the reverse had been found necessary and Adrianople had only been taken with the help of 60,000 Servians and by means of the Servian siege guns. Equity demanded that the new conditions which had arisen and which had entirely altered the situation should be given consideration and that Bulgaria should not expect the preliminary agreement to be carried out. Now from the outbreak of hostilities, Bulgaria's foreign affairs, in which King Ferdinand was supposed to be supreme, were really controlled by the prime minister, Dr. Daneff. He proved to be the evil genius of his country; for

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his arrogant, unyielding attitude upon every disputed point, not only with the enemy, but with the allies and with the powers, destroyed all kindly feeling for Bulgaria, and left her friendless in her hour of need. Dr. Daneff's answer to the Servian contention was that Bulgaria bore the brunt of the fight; that, had she not kept the main Turkish force occupied, Servia and Greece would have been crushed; that a treaty is a treaty, and that the additional gain of eastern Thrace in no way invalidated the old agreement.

The recriminations between Greeks and Bulgarians were quite as bitter. There had been no preliminary agreement as to the division of conquered territory between them, and this permitted each to indulge in the most extravagant claims. The great bone of contention was the possession of the fine port of Salonika. As soon as the war against Turkey broke out, both states pushed forward troops to occupy that city. The Greeks arrived first and were still in possession. Moreover, they maintained that, except for the Jews, the population is chiefly Greek. So are the trade and the schools. M. Venezelos, the Greek prime minister, insisted also that the erection of an independent Albania deprived Greece of a large part of northern Epirus, as it had deprived Servia of a great part of Old Servia, and Montenegro of Scutari. In fact he asserted that Bulgaria alone would retain everything she hoped for, securing nearly three-fifths of the conquered territory and leaving only two-fifths to be divided among her three allies; and this, despite the fact that but for the activity of the Greek navy in preventing the convoy of Turkey's best troops from Asia, Bulgaria would never have had her rapid success at the beginning of the war. Finally, he strenuously objected to the whole seaboard of Macedonia going to Bulgaria, as the population where it was not Moslem was chiefly Greek. As explained in the previous article, all the parties to the dispute made much of ethnical and historical claims—"A thousand years are as a day" in their sight. The answer of Dr. Daneff to the Greek demands was to the effect that Greece already had one good port on the Mediterranean, while Bulgaria had none, and that Bulgaria would have to spend immense sums on either Kavala or Dédéagatch to make them

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of any great value. Moreover, as a result of the war, Greece would get Crete the Ægean islands and a good slice of the mainland. She had suffered least in the war and was really being overpaid for her services.

Behind all these formal contentions were the conflicting ambitions and the racial hatreds which no discussion could effectually resolve. Bulgaria was determined to secure the hegemony of the Balkan peninsula. She believed that her rôle was that of a Balkan Prussia, and her great victories made her confident of her ability to play the rôle successfully. To this Servia would never consent. The Servians far outnumber the Bulgarians. Were they united under one sceptre they would be the strongest nation in the Balkans. Their policy is to maintain an equilibrium in the peninsula until the hoped-for annexation of Bosnia and Herzegovina will give them the preponderance. This alone would incline Servia to make common cause with Greece. In addition she had the powerful motive of direct self-interest. Since she did not secure the coveted territory on the Adriatic, Salonika would be more than ever the natural outlet for her products. Should Bulgaria wedge in behind Greece at Salonika, Servia would have two powers to deal with, each of which could pursue the policy of destroying her commerce by a prohibitory tariff, a policy so often adopted towards her by Austria-Hungary. M. Pashitch, therefore, was determined to have the new southern boundary of Servia coterminous with the northern boundary of Greece. Moreover, Greeks and Servians were aware of the relative weakness of the Bulgarians due to their great losses and to the wide territory occupied by their troops. The war party was in the ascendant in each country. The Servians were anxious to avenge Slivnitza, and the Greeks still further to redeem themselves from the reputation of 1897. Had peace been signed in January, there is little doubt that a greater spirit of conciliation would have prevailed. The Young Turks were universally condemned at that time for refusing to yield; but had they deliberately adopted Abdul Hamid's policy of playing off one people against another, they could not have succeeded better than by their determination to fight.

Even before the fall of Adrianople, on March 26, military

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conflicts had taken place between Bulgarians and Servians and between Bulgarians and Greeks. On March 12 a pitched battle occurred between the latter at Nigrita; and though a mixed commission at once drew up a code of regulations for use in towns occupied by joint armies, not the slightest attention was subsequently paid to it. The Servians shortly afterwards expelled the manager of the branch of the National Bulgarian Bank at Monastir, a step which drew forth emphatic protests from Sofia against the policy of Serbizing districts in anticipation of the final settlement. On April 17, M. Pashitch informed the Skuptshina that the government would refuse to be bound by the terms of the preliminary treaty of March, 1912. From that date until the signing of the Treaty of London on May 31 the recent allies carried on an unofficial war, which consisted of combats of extermination marked by inhuman rage. After that event each of the combatants strained every nerve to push forward its armies and to possess new territories, while each continued to accuse the other of violating every principle of international law. The ambassadors of the great powers at the capitals of the Balkan states made urgent representations to the Balkan governments to restrain their armies, but without effect. On June 10 the Servian government dispatched a note to Sofia demanding a categorical answer to the Servian demand for a revision of the preliminary treaty. On July 11 the Tsar telegraphed to King Peter and King Ferdinand appealing to them to avoid a fratricidal war, reminding them of his position as arbitrator under the preliminary treaty and warning them that he would hold responsible whichever state appealed to force. "The state which begins war will be responsible before the Slav cause." This well-meant action had an effect the opposite of that hoped for. In Vienna it was looked upon as an indirect assertion of moral guardianship by Russia over the Slav world. The Austrian press insisted that the Balkan states were of age and could take care of themselves. If not, it was for Europe, not for Russia, to control them. The political horizon grew still darker when one week later Dr. Daneff answered the Servian note in the negative. This resulted in the Servian minister withdrawing from Sofia on June 22.

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What was the plan of campaign and the degree of preparedness of the principal belligerent in the second Balkan war which was about to commence? The plan of the Bulgarians was the only one whereby they could hope to secure victory. It depended for success upon surprising the Servians by sending masses of Bulgarian troops into the home territory of Servia by way of the passes leading directly from Sofia westward through the mountains. This would cut off the Servian armies operating in Macedonia from their base of supplies and require their immediate recall for the defense of the home territory. It was an operation attended by almost insurmountable obstacles. The major part of the Bulgarian army was in eastern Thrace and would have to be brought across a country unprovided with either railroads or sufficient highways. Moreover, the army would have to rely for the transport of provisions and equipment upon slow-moving bullock wagons. Nevertheless, given time, secrecy and freedom from interference, the aim might be attained. The necessary divisions of the army were set in motion in the beginning of May. So successful were the Bulgarians in keeping secret the route and the progress of the army, that by the middle of June they confidently looked forward to success. Their high hopes were destroyed by the evil diplomacy of Dr. Daneff in his relations with Rumania.

Russia rewarded Rumania for her splendid assistance in the Russo-Turkish war of 1877 by depriving her of her fertile province of Bessarabia and compelling her to take in exchange the Dobrudja, a low, marshy district inhabited chiefly by Bulgarians and Moslems. And that was not all. Through Russian influence the commission appointed to delimit the boundary between Rumania and the new principality of Bulgaria put the town of Silistria upon the Bulgarian side of the boundary. Now the heights of Silistria command absolutely the Rumanian territory opposite to it and the Dobrudja. The Danube directly in front of Silistria spreads out in a marsh several miles wide, so that it is impossible to approach Silistria from the Rumanian side by bridge. As a result Rumania has always felt that her southern border was at the mercy of Bulgaria and has always, as one of the chief aims of her national existence, looked for-

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ward to the rectification of her southern boundary. The unfriendly attitude of Russia threw Rumania into the arms of Austria, so that from the days of the Berlin treaty to the Balkan war, Rumania has been considered a true friend of the Triple Alliance. She viewed with jealousy and fear the rapid growth of Bulgaria in power and in strength. Crowded in between the two military empires of Russia and Austria-Hungary, Rumania naturally looked upon the development of another military state upon her southern border as a menace to her national existence. Hence when the Macedonian question became very acute in 1903, and it seemed that action would be undertaken by Bulgaria and Servia against Turkey, Rumania had declared that she would not tolerate an alteration of the *status quo*. She did not move, however, when the allies undertook the war of liberation in October, 1912. But when a month's campaign changed the war from one of liberation to one of conquest, Rumania demanded from Bulgaria as the price of neutrality, Silistria and a small slice of the Black Sea coast sufficient to satisfy strategic military demands.

It was in his relations with Rumania that Daneff's diplomacy was most stupid. M. Take Jonescu, one of Rumania's ablest statesmen, was sent by the government to the first Peace Conference at London to secure pledges from Dr. Daneff in regard to the Rumanian demand. He could get no answer. Daneff used every device to gain time in the hope that a settlement with Turkey would relieve Bulgaria from the necessity of giving anything. When the peace negotiations failed and the war between the allies and Turkey recommenced, the relations between Rumania and Bulgaria became very critical. However, at the Tsar's suggestion, both countries agreed to refer the dispute to a conference of the ambassadors of the great powers at St. Petersburg. Dr. Daneff, who represented Bulgaria, adopted a most truculent attitude and refused to yield on any point. As a result of the skilful diplomacy of the French ambassador, M. Delcassé, in reconciling the divergent views of the great powers, Rumania was awarded, on April 19, the town of Silistria and a three-mile zone around it, but was refused an increase on the seaboard. The award was very unpopular in Rumania, but M.

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Jonescu risked his official life by successfully urging the Rumanian government to accept it. But when it became perfectly evident after the signing of the Treaty of London on May 30, that the former allies were now to be enemies, the Rumanian government notified Bulgaria that she could not rely upon its neutrality without compensation in the interests of the equilibrium of the Balkans.

Such was the diplomatic situation when the Tsar's telegram of June 11 was received by King Ferdinand. Nothing could have been more inopportune for the Bulgarian cause. Though the government had no intention of changing its plan, sufficient deference had to be paid to the Tsar's request to suspend the forward movement of troops. The delay was fatal. The Servians, who were already aware that the Bulgarians were in motion, now learned their direction and their actual positions. The Servian government hastened to fortify the passes of the Balkans between Bulgaria and the home territory, and the Servian army in Macedonia effected a junction with the Greek army from Salonika. There was nothing left for the Bulgarians but to direct their offensive movements against the southern Servian divisions in Macedonia. The great *coup* had failed. Instead of attacking first the Servians and then the Greeks and overwhelming them separately, it was necessary to fight their combined forces.

Every element in the situation demanded the utmost caution on the part of Bulgaria. Elementary prudence dictated that she yield to Rumania's demand for a slice of the seaboard to Baltchik in order to prevent Rumania from joining Servia and Greece. No doubt, had Daneff yielded he would have been voted out of office by the opposition, for the military party was in the ascendent at Sofia also. But a real statesman would not have flinched. Seldom has the influence of home politics upon the foreign affairs of a state operated so disastrously upon both. It was determined to carry out that part of the original plan of campaign which called for a surprise attack upon the Servians. It must be remembered that all the engagements that had hitherto taken place between the former allies had been unofficial, Daneff all the while insisting that there existed no war,

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but "only military action to enforce the Serbo-Bulgarian treaty." Nevertheless, on June 29 the word went forth from Bulgarian headquarters for a general attack upon the Servian line which, taken by surprise, yielded.

In the meantime public opinion at Bucharest became almost uncontrollable in its demand for the mobilization of the troops, and the government was outraged at the continued prohibition by Russia of a forward movement. The Rumanian government had already appealed to Count Berchtold for Austro-Hungarian support against Russian interference, but Austria-Hungary, like every other great power, expected Bulgaria to win and she intended that Bulgaria should take the place vacated by Turkey as a counterpoise to Russia in the Balkans. Hence Count Berchtold informed Rumania that she could not rely upon Austro-Hungarian support, were she to ignore the Russian veto. But in the meantime an exaggerated report of the Servian defeat had reached St. Petersburg on July 1, and to save Servia, Russia lifted the embargo on Rumanian action. Forty-eight hours later Europe knew that the fearful battles of Ishtib and Kotchana had resulted in the utter rout of the Bulgarians, who were in full retreat to defend the Balkan passes into their home territory. Russia at once recalled her permission for Rumanian mobilization, but it was too late. The army was on the march.

The situation of Bulgaria was now truly desperate. Not only had her *coup* against the Servians failed, but her troops were fleeing before the victorious Greeks up the Struma valley. On July 5 war was officially recognized by the withdrawal of the representatives of Greece, Montenegro and Rumania from Sofia. On the same day Turkey requested the withdrawal of all Bulgarian troops east of the Enos-Midia line. In the bloody battles which continued to be fought, the Bulgarians were nearly everywhere defeated, and on July 10 Bulgaria placed herself unreservedly in the hands of Russia with a view to a cessation of hostilities. This did not, however, prevent the forward movement of all her enemies. On July 15 Turkey, "moved by the unnatural war" existing in the Balkan Peninsula, despatched Enver Bey with an army to Adrianople, which he reoccupied July 20. By that time the Rumanians were

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within twenty miles of Sofia, and the guns of the Servians and Greeks could be heard in the Bulgarian capital. The next day King Ferdinand telegraphed to King Charles of Rumania asking him to intercede with the kings of Greece, Servia and Montenegro. He did so, and all the belligerents agreed to send peace delegates to Bucharest. They assembled there on July 29 and at once concluded an armistice.

Each of the belligerent states sent its best man to the peace conference. Greece was represented by M. Venzelos, Servia by M. Pashitch, Rumania by M. Jonescu, Montenegro by M. Melanovitch, and Bulgaria chiefly by General Fitcheff, who had opposed the surprise attack upon the Servians. The policy of Bulgaria at the conference was to satisfy the demands of Rumania at once, sign a separate treaty which would rid her territory of Rumanian troops and then treat with Greece and Servia. But M. Jonescu, who controlled the situation, insisted that peace must be restored by one treaty, not by several. At the same time he let it be known that Rumania would not uphold extravagant claims on the part of Greece and Servia which they could never have advanced were her troops not at the gates of Sofia. The moderate Rumanian demands were easily settled. Her southern boundary was to run from Turtukai via Dobritch to Baltchik on the Black Sea. She also secured cultural privileges for the Kutzovlachs in Bulgaria. The Servians, who before the second Balkan war would have been satisfied with the Vardar river as a boundary, now insisted upon the possession of the important towns of Kotchana, Ishtib, Radovishta and Strumnitza to the east of the Vardar. With the assistance of Rumania, Bulgaria was permitted to retain Strumnitza. The Greeks were the most unyielding. Before the war they would have been perfectly satisfied to have secured the Struma river as their eastern boundary. Now they demanded the territory as far as the Mesta, which would give them not only Seres and Drama, but the important port of Kavala. The Bulgarian representatives refused to sign without the possession of Kavala, but under pressure from Rumania they had to consent. But they would yield on nothing else. The money indemnity demanded by Greece and Servia and the all-around grant of religious priv-

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ileges suggested by Rumania had to be dropped. The treaty was signed August 6, 1913. [See map.]

In the meantime the powers had not been passive onlookers. Austria-Hungary insisted that Balkan affairs are European affairs and that the Treaty of Bucharest should be considered as merely provisional to be made definitive by the great powers. On this proposition the members of both the Triple Alliance and the Triple Entente divided. Austria and Italy in the one, and Russia in the other favored a revision. Austria fears a strong Servia, and Italy dislikes the growth of Greek influence in the eastern Mediterranean. These two states and Russia favored a whittling-down of the gains of Greece and Servia and insisted upon Kavala and a bigger slice of the Ægean seaboard for Bulgaria. But France, England and Germany insisted upon letting well-enough alone. King Charles of Rumania, who demanded that the peace should be considered definitive, sent a telegram to Emperor William containing the following sentence: "Peace is assured and, thanks to you, will remain definitive." This gave great umbrage at Vienna; but in the divided condition of the European Concert, no state wanted to act alone. So the treaty stands.

The condition of Bulgaria was indeed pitiable, but her cup was not yet full. Immediately after occupying Adrianople on July 20, the Turks had made advances to the Bulgarian government looking to the settlement of a new boundary. But Bulgaria, relying upon the intervention of the powers, had refused to treat at all. On August 7 the representatives of the great powers at Constantinople called collectively upon the Porte to demand that it respect the Treaty of London. But the Porte had seen Europe so frequently flouted by the little Balkan states during the previous year, that it had slight respect for Europe as a collective entity. In fact, Europe's prestige at Constantinople had disappeared. *J'y suis, j'y reste* was the answer of the Turks to the demand to evacuate Adrianople. The recapture of that city had been a godsend to the Young Turk party. The Treaty of London had destroyed what little influence it had retained after the defeat of the armies, and it grasped at the seizure of Adrianople as a means of awakening

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enthusiasm and keeping office. As the days passed by, it became evident that further delay would cost Bulgaria dear. On August 15 the Turkish troops crossed the Maritza river and occupied western Thrace, though the Porte had hitherto been willing to accept the Maritza as the boundary. The Bulgarian hope of a European intervention began to fade. The Turks were soon able to convince the Bulgarian government that most of the great powers were willing to acquiesce in the retention of Adrianople by the Turks in return for economic and political concessions to themselves. There was nothing for Bulgaria to do but yield, and on September 3 General Savoff and M. Tontcheff started for Constantinople to treat with the Turkish government for a new boundary line. They pleaded for the Maritza as the boundary between the two states, the possession of the west bank being essential for railway connection between Bulgaria and Dédéagatch, her only port on the Ægean. But this plea came in conflict with the determination of the Turks to keep a sufficient strategic area around Adrianople. Hence the Turks demanded and secured a considerable district on the west bank, including the important town of Dimotika. By the preliminary agreement signed on September 18 the boundary starts at the mouth of the Maritza river, goes up the river to Mandra, then west around Dimotika almost to Mustafa Pasha. On the north the line starts at Sveti Stefan and runs west so that Kirk Killise is retained by Turkey.

While the Balkan belligerents were settling upon terms of peace among themselves, the conference of ambassadors at London was trying to bring the settlement of the Albanian problem to a conclusion. On August 11 the conference agreed that an international commission of control, consisting of a representative of each of the great powers, should administer the affairs of Albania until the powers should select a prince as ruler of the autonomous state. The conference also decided to establish a *gendarmerie* under the command of military officers selected from one of the small neutral states of Europe. At the same time the conference agreed upon the southern boundary of Albania. The line was to be drawn from a point south of Cape Stylos to Lake Ochrida in such a way as to place the

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Kaza of Koritza in Albania. This line was a compromise between that demanded by Greece and that demanded by Austria-Hungary and Italy. Unfortunately it was agreed that the international boundary commission which was to be appointed should in drawing the line be guided mainly by the nationality of the inhabitants of the districts through which it would pass. At once Greeks and Albanians began a campaign of nationalization in the disputed territory which resulted in sanguinary conflicts. Unrest soon spread throughout the whole of Albania. On August 17 a committee of Malissori chiefs visited Admiral Burney, who was in command at Scutari of the marines from the international fleet, to notify him that the Malissori would never agree to incorporation in Montenegro. They proceeded to make good their threat by capturing the important town of Dibra and driving the Servians from the neighborhood of Djakova and Prizrend. Since then the greater part of north- and southern Albania has been practically in a state of anarchy.

The settlement of the Balkans described in this article will probably last for at least a generation, not because all the parties to the settlement are content, but because it will take at least a generation for the dissatisfied states to recuperate. Bulgaria is in far worse condition than she was before the war with Turkey. The second Balkan war, caused by her policy of greed and arrogance, destroyed 100,000 of the flower of her manhood, lost her all of Macedonia and eastern Thrace, and increased her expenses enormously. Her total gains, whether from Turkey or from her former allies, were but eighty miles of seaboard on the Ægean, with a Thracian hinterland woefully depopulated. Even railway communication with her one new port of Dédéagatch has been denied her. Bulgaria is in despair, but full of hate. However, with a reduced population and a bankrupt treasury, she will need many years to recuperate before she can hope to upset the new arrangement. And it will be hard even to attempt that; for the *status quo* is founded upon the principle of a balance of power in the Balkan peninsula; and Rumania has definitely announced herself as a Balkan power. Servia, and more particularly Greece, have made acquisitions beyond their

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wildest dreams at the beginning of the war and have now become strong adherents of the policy of equilibrium.

The future of the Turks is in Asia, and Turkey in Asia just now is in a most unhappy condition. Syria, Armenia and Arabia are demanding autonomy; and the former respect of the other Moslems for the governing race, *i. e.*, the Turks, has received a severe blow. Whether Turkey can pull itself together, consolidate its resources and develop the immense possibilities of its Asiatic possessions remains of course to be seen. But it will have no power and probably no desire to upset the new arrangement in the Balkans.

The settlement is probably a landmark in Balkan history in that it brings to a close the period of tutelage exercised by the great powers over the Christian states of the Balkans. Neither Austria-Hungary nor Russia emerges from the ordeal with prestige. The pan-Slavic idea has received a distinct rebuff. To Rumania and Greece, another non-Slavic state, *i. e.* Albania, has been added; and in no part of the peninsula is Russia so detested as in Bulgaria which unreasonably protests that Russia betrayed her. "Call us Huns, Turks or Tartars but not Slavs." Twice the Austro-Hungarians in their anxiety to maintain the balance of power in the Balkans, made the mistake of backing the wrong combatant. In the first war they upheld Turkey; and in the second, they favored Bulgaria. In encouraging Bulgarian aggression they estranged Rumania, the faithful friend of a generation and Bulgaria won only debt and disgrace. Yet Austria-Hungary must now continue to support Bulgaria as a counterpoise to a stronger Servia which they consider a menace to their security because of Servian influence on their southern Slavs. The Balkan states will manage their own affairs in the future but they will still offer abundant opportunity for the play of Russian and Austro-Hungarian rivalry. It had been hoped that the Balkan peninsula, when freed from the incubus of Turkish misrule, would settle down to a period of general tranquillity. Instead of this the ejectment of the Turk has resulted in increased bitterness and more dangerous hate.

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THE OFFICE OF ADELANTADO

THE office of *adelantado* was one of the oldest conferred in mediæval Spain. "In the history of San Pedro de Arlança it is said that Nuño Nuñez, judge of Castile, married Theudia, daughter of Theudio, adelantado of León."[1] This statement carries the title back to the tenth century. More definitely it is known that Fernan Fernandez was adelantado of Estremadura in the time of Alfonzo VIII, the Good (1158–1214). The first mention of the office in Spanish legislation is found in the time of Ferdinand III (1217–1252), but it is not until the reign of his successor, Alfonzo X, the Learned (1252–1275), that the nature, qualifications and functions of the adelantado were set forth in legal terms. They appear in the two general codes, *El Espéculo*[2] and *Las Siete Partidas*,[3] as well as in a special code entitled, *Leyes para los Adelantados Mayores*.[4] During the succeeding reigns, as occasion demanded, modifications and additions were made to this early legislation.[5]

There were two kinds of adelantados. The *adelantado del rey, de corte* or *mayor* was a more immediate representative of the king, while the *adelantado de comarca, fronterizo* or *menor* was the more common type. Although of great importance, the former office seems early to have fallen into disuse, its functions passing to other high officials, since all mention of it is omitted from the later codifications.

[1] Salazar, Origen de las dignidades seglares, fol. 60 b.

[2] Libro 4, título 2, ley 11. [3] Partida 2, título 9, ley 19.

[4] The several codes may be found in convenient form, reprinted in full, in Los Códigos Españoles, edited by San Martín in twelve volumes. There is a very satisfactory introduction to each code. Martínez Alcubilla, Códigos de España, is a one-volume work of no especial merit. It contains only a brief note on the Espéculo. For a summary in English of Las Partidas and El Espéculo, see Walton, Civil Law in Spain and Spanish America, pp. 72, 75–77.

[5] Ordenamiento Real (1346), lib. 2, tít. 13; Nueva Recopilación (1681), lib. 3, tít. 4.

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According to the provisions of the earlier codes, the *adelantado mayor* was preëminently a judicial officer, occupying the highest rank in the judicial system as it was then established.[1] The name of the office was derived from the fact that the subject was put forward into the king's place.[2] Because of the many complaints about the decisions of the lower judges, the king was naturally unable to hear all the appeals that were brought to him; and he accordingly appointed a supreme judge, who was called the adelantado mayor and who should act in his stead.[3] The original jurisdiction of this officer extended even to controversies between nobles (*rieptos*), which might lead to wager of battle. His appellate power included all cases subject to appeal from the lower judges.[4]

The incumbent of so responsible a position was to be a man not only of noble family (*de grand linaje*) and loyalty, but also of prudence and wisdom. Besides these characteristics, he must possess the general qualifications prescribed for the judges of the realm. According to the law the judge had to be of good family (*de buen linaje*), in order that he might be ashamed to make any mistakes in his judgments. He should be a man of clear intelligence, so as to understand the arguments presented by the lawyers, capable of avoiding all undue influence and of judging rightly. He should be able to read and write, that he might himself examine all papers, documents and petitions which might be presented. He should be even-tempered, so as not to complain or become irritated at the accusations of the parties. Finally, he should render exact justice to every one.[5]

The purpose of the brief code of five laws, known as *Leyes para los Adelantados Mayores*, was to "establish the rules of conduct to which the said functionaries should conform them-

[1] For a discussion of the judicial system of Spain in this period, see Danvila, El Poder Civil en España, vol. i, p. 175.

[2] "El Rey lo adelanta, poniendolo el Rey en su lugar." The vague notions prevailing among writers on the Spanish dominion in America as to the meaning of the term is illustrated by Lowery's definition: "Adelantado, a title derived from the verb adelantar, which signifies to advance, to keep on, to surpass." The Spanish Settlements in the United States, 1513–1561, p. 135.

[3] Partida 2, título 9, ley 19.

[4] El Espéculo, libro 4, título 2, ley 11.

[5] Partida 2, título 9, ley 18.

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selves in the exercise of the duties of their elevated rank." The first of the laws prescribes that the incumbent shall take a double oath concerning the interests of the king and of the people. He must swear to honor his lord and counsel him rightly, to keep his secrets and protect his rights. He must also swear to judge justly and not to be influenced by love or hate or fear or supplication, or by any gifts that might be offered. The second law deals with the matter of jurisdiction in the same terms as the *Partidas*, except that it goes more fully into detail. The third law provides the form of the oath to be taken. The fourth law deals with the procedure of the adelantado mayor upon his entry into the office. He should challenge all noblemen who were not keeping the peace—this being rather a form than anything else. He should make a tour of inspection of the minor judicial districts (*merindades*), confirming in their offices the minor judges (*merinos*) who had honestly performed their duties, and removing the incompetents, at the same time causing them to make good any injuries or injustices that they might have committed, and putting in their places men who would enforce the laws with equity. Careful instructions, also, were given as to the procedure of the adelantado mayor in the ordering and carrying-out of investigations that had to do with misdemeanors and crimes of subjects, high and low. The last of the laws enumerates the interests that the adelantado mayor was obliged to protect. He should guard the kingdom against robbery and other crimes; see that the churches were not injured, burned, destroyed or entered by force; and protect the interests of the clergy, the military orders, the religious brotherhoods, the nobles and women of rank. He must keep the highways in a safe condition for travel and see that no new castles were built without the consent of the king. He should prevent the holding of judicial proceedings on specified feast days. He must avoid the use of torture, except in rare cases, and then only before a number of honorable witnesses. In the appointment of minor judges, furthermore, he must not be influenced by any gift or service.

The office of *adelantado menor* came into existence about

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1239.[1] The derivation of the name was the same as that of the higher official, for the adelantado menor was also to take the place of the king. According to the *Partidas* he was a very important official, "placed by the king over all the merinos, not only over those of the districts and regions but also over those of the villages."[2] The chief distinction between the two offices lay in the fact that, whereas the judicial functions of the adelantado menor were not supreme, his administrative functions were more extensive than those of the adelantado mayor. He was thus a judicial officer, endowed with extensive administrative powers, and placed in charge of a certain designated district.[3] As late as 1681, in the codification known as *La Nueva Recopilaciôn*, provisions were included dealing with the adelantado menor. From that time onward the office fell into complete disuse. Because of the abuses committed by the adelantados menores they were supplanted by the alcaldes mayores.

The *Siete Partidas* provides that the adelantado menor must be a man neither proud nor haughty[4]; and the *Nueva Recopilaciôn* further specifies that he must be able to care for the royal interests and especially to protect the frontier districts from evil and danger.[5] Like all other royal officials, he was obliged to take an oath to guard the life, honor and priority of the king; to give his good counsel; to protect the royal property; to obey all the royal commands; and to fulfil the duties of his office well and loyally.[6]

The judicial functions of the adelantado menor were both original and appellate. His original jurisdiction extended to all civil cases involving either the personal or real property of

[1] "The first adelantado de la frontera was the valiant Fernando Ruiz de Castro, who died in Orgaz about the year 1239, taking relief to Cordova at the command of the king." Salazar, Monarchía de España, vol. i, p. 155.

[2] Partida 2, título 9, ley 22.

[3] *Ibid.* It is the adelantado of this second and later type who is described by one of the older writers (Salazar, Origen de las dignidades seglares, fol. 61 a) as, "in time of peace, the president or chief justice of some kingdom, province or district, and, in time of war, the captain general," and is defined by a modern writer on jurisprudence (Escriche, Diccionario de legislación y jurisprudencia, vol. i, p. 287) as "the military and political governor of a frontier province, corresponding to the Roman provincial president."

[4] Partida 2, título 9, ley 22.

[5] Libro 3, título 4, ley 1.

[6] Partida 2, título 9, ley 26.

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the residents of his district (*adelantamiento*) as well as to certain "specified matters of other districts." He had cognizance of all cases of justice, with the exception of *riepto*, broken truces, security of the king and counterfeiting.[1] Later legislation took away from the adelantado menor original jurisdiction over civil matters, leaving him only in possession of appellate powers in that respect. In criminal matters his powers could be exercised only in the place where the crime was committed.[2]

The adelantado menor was placed over the lesser judicial officers (*merinos* and *alcaldes de villas*) of his district, and was empowered to hear appeals from their decisions in all matters. In the performance of this appellate function, as well as in the exercise of all judicial powers, he was to be accompanied by persons learned in the law (*sabedores del fuero*) and also by a clerk,[3] who should be provided with a book in which a record of all decisions should be kept.[4] Upon petition therefor, he was obliged to grant appeals from his decisions to the king; and in case complaint was made before him by a noble in form of *riepto* or he had knowledge of treachery justifying *riepto*, he should refer the matter to the king at once, since matters concerning the nobility were beyond his powers.[5]

Not less important for the welfare of the adelantamiento were the administrative functions of the adelantado menor. He had to visit his district periodically, punishing evil doers and seeing that all received justice. Having finished the visit, it was his duty to make a report to the king on the condition of the country. He was charged to take care of the interests of the district, especially avoiding excessive expense and annoyance to to the inhabitants.[6] He could appoint lieutenants,[7] but these must not be nobles or powerful persons.[8] He also possessed the power of nominating alcades menores.[9]

In order to protect the adelantado menor from dishonor and

[1] Espéculo, libro 4, título 2, ley 12.

[2] Nueva Recopilación, libro 3, título 4, ley 15 (Pedro, 1369).

[3] Partida 2, título 9, ley 22. [4] Nueva Recopilación, libro 3, título 4, ley 18.

[5] Partida 2, título 9, ley 22. [6] *Ibid.*

[7] Nueva Recopilación, libro 4, título 4, ley 3 (Henry II, 1407). [8] *Ibid.* ley 5.

[9] *Ibid.* ley 16 (Ferdinand and Isabella, 1476).

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to cause the people to hold him in due respect, a series of penalties were provided in the *Espéculo*.[1] For injury by word of mouth, a fine of five hundred *sueldos* should be paid. If the adelantado were wounded in hand or foot by a common person, the offender paid two hundred and fifty *maravedís* or forfeited the hand causing the injury. In case the injury caused the loss of a member to the official, the offender forfeited a hand, and one-fifth of his goods went as an indemnity to the wounded judge. The murderer of an adelantado lost his life, and one-fourth of his property went to the king. In case the offender were a "*rico ome de pié ó mano*," he paid five hundred *maravedís* to the wounded judge and a like amount to the king, and if he were a "*rico ome de arma*," besides the preceding penalty, he lost all his royal lands.

The office being one of great power, the *Siete Partidas* imposed various restrictions upon its holders. The adelantado menor was not permitted to bring accusations against any one during his term of office.[2] Neither he nor his dependents could have any business interests, directly or indirectly, except that they might buy needful food and clothing, and, in case they received any inheritance, they might dispose of it as they saw fit.[3] To guard against possible abuses of authority and against individual influences, the adelantado menor was forbidden to marry during his term of office, though he might take a concubine if he so desired.[4] Because of the nature of the office he was not allowed to enter certain privileged towns; he must not take more than the prescribed fees, under pain of losing his office; and he was not permitted to receive more than one hundred and fifty *maravedís* a year for maintenance while visiting each locality.[5] At the close of his term he was held judicially responsible for all of his acts, and even his relatives might testify against him.[6] In case it were shown at the trial that any injuries or crimes had been committed because of his negligence, he was obliged to pay a fine equal to double the amount of the losses.[7]

[1] Libro 4, título 2, ley 5.
[2] Partida 7, título 1, ley 2.
[3] Partida 5, título 5, ley 5.
[4] Partida 4, título 14, ley 2.
[5] Nueva Recopilación, libro 3, título 4, léyes 8, 9 and 11.
[6] Partida 3, título 16, ley 1.
[7] Nueva Recopilación, libro 3, título 4, ley 4.

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Such were the nature and functions of the office of adelantado menor in Spain at the time when she was laying the foundations of her colonial empire in the New World.[1] Since the dominions acquired beyond the seas were regarded as provinces of Castile, it was natural that the term adelantado menor or fronterizo, as it had been employed during the Moorish conquest, should be applied to the persons who were appointed to represent the crown in these dominions.

The main problem that arises in connection with the study of the office in its new environment is to determine whether it was actually an office or merely an honorific title. The difficulty arises from the fact that the adelantado in America possessed other titles, and there is no clear distinction as to what functions or powers were associated with each title.

The first adelantado in America was Bartholomew Columbus,[2] to whom the office and title were granted by his brother Christopher in 1497. The grant caused displeasure at court, since the appointment of an official of such high rank was distinctly a prerogative of the crown.[3] However, the king and queen saw fit to confirm the title and office to Bartholomew Columbus in return for the services he had rendered in the Indies.[4]

From the beginning of the sixteenth century, capitulations or contracts were made by the Spanish crown with ambitious men who sought to win fame and fortune through discovery and exploration in the New World. In the first years of the century, however, no higher office or title was granted than that of local governor of the region concerned, and even this was accorded only in exceptional cases.[5] By the capitulation drawn

[1] In the reign of Ferdinand and Isabella the adelantados of Spain were those of Castile, León, Andalusia, Murcia, Granada and Cazorla. Altamira, Historia de España, vol. ii, p. 454.

[2] Bernard Moses, Establishment of Spanish Rule in America, p. 69, states that Christopher Columbus was given the title of adelantado. A search of the capitulations and patents concerned has failed to reveal any such grant.

[3] Partida 2, título 1, ley 2.

[4] Herrera, Historia general de las Indias, dec. 1, lib. 2, cap. 15, gives an account of this affair. The patent confirming the office and title was issued July 22, 1497, and is printed in full in Navarrete, Viages *etc.*, vol. ii, pp. 217–218.

[5] Of thirteen capitulations made between 1500 and 1512, only two, those with

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up in 1512, however, Juan Ponce de León was promised the title of adelantado [1] in case he found the land of Bimyny.[2] In this promise of 1512 and in the actual grants of 1514 to Vasco Nuñez de Balboa of the adelantamiento of the coast of the South Sea, and to Ponce de León of the adelantamiento of Bimyny and Florida is seen the real beginning of the use of the term adelantado in America.[3]

As there was no direct legislation on the subject during the early period of colonization, the inception of the office and title of adelantado in the New World must be studied in the agreements (*asientos*) and contracts or capitulations between the crown and the early discoverers, and in the patents granted to the latter. From the patents alone little information can be secured. They contain only an indication of the territory in which the powers of the adelantado were to be exercised; a statement that his powers and prerogatives were to be the same as those of the adelantados of Castile, thus demonstrating the

Vicente Yañez Pinzón and Alonso de Ojeda (1501), promised the office of governor; the other offices promised were those of captain of the ship or expedition, or captain and corregidor of the area concerned. In a number of the capitulations no mention whatever is made of office or title. See Documentos Inéditos de Indias, first series, vols. xxii, xxxi and xxxviii, *passim.*

[1] "Item que vos hago merced del título de Nuestro Adelantado de las dichas Yslas é de las otras que en la forma susodicha descubrieredes." *Ibid.* vol. xxii, pp. 26 *et seq.* In common with other writers, Lowery errs in stating that the first capitulation conferred upon Ponce de León the title of adelantado. *Op. cit.* p. 135.

[2] The name is variously spelled in the documents of the time.

[3] The capitulation with Ponce de León (February 23, 1512) is printed in Documentos Inéditos de Indias, first series, vol. xxii, pp. 26–32. The patent to Balboa was granted September 23, 1514, and is preserved in copy in the Archives of the Indies, est. 109, caj. 1, leg. 5, no. 1, fol. 174 b–175 b. At this time Balboa was in America and the patent was sent to Alonso de Puente, treasurer of Castilla del Oro, in a letter of the same date (*ibid.* fol. 171; Documentos Inéditos de Indias, first series, vol. xxxvii, pp. 287–288); but this did not reach Balboa until well into the year 1515 (Oviedo, Historia *etc.*, vol. iii, pp. 42–43; Quintana, Vida de Balboa, in Biblioteca de Autores Españoles, vol. xix, p. 297). Ponce de León's patent was granted four days later (September 27), and is preserved in the Archives of the Indies, est. 139, caj. 1, leg. 5, no. 5, fol. 19 b–21 a. As he was then at the court in Valladolid, he received the patent at once (September 30), as is shown by his autograph receipt for it (*ibid.* fol. 1). It is thus seen that although the patent to Balboa was dated a few days earlier than that to Ponce de León, the promise to the latter had been made two years earlier, and he came into the exercise of the powers and privileges of the office of adelantado several months before Balboa did.

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identity of the office in the two hemispheres; and a command to all servants of the crown, both high and low, to render due obedience and respect to the possessor of the title.[1] Not in the patents, then, but in the capitulations is to be found the history of the changing thought of the rulers of Spain regarding the organization of their colonial empire in America; and in their provisions the nature of the office is best exhibited up to the time when the regulations of the crown took statutory form and were duly codified.

During the course of the sixteenth century, which was the active period of Spanish discovery and exploration in America, some seventy individuals made contracts with the crown to undertake the extension of the new realm. To less than half

[1] Throughout the period of the use of the term adelantado in America the patent was drawn up in the same phraseology. That to Ponce de León (a copy of which is preserved in the general registers of orders, appointments *etc.*, Archives of the Indies, est. 139, caj. 1, leg. 5, no. 5, fol. 19 b–21 a) is typical, and as the patents are unpublished, a translation is here given: "Don Fernando, by the grace of God *etc.* In order to grant benefit and favor to you, Juan Ponce de León, esteeming the services which you have rendered to me and those which I expect you will render in the future, especially in regard to that which you have done and performed in the discovery of the island of Bimyny and the island Florida, which are in the Indies of the ocean sea, which you have discovered, and on account of the great service which you have rendered there in everything which in the Indies has appertained to our service, and confiding in your sufficiency and ability, in order that there shall remain a memory of you and your services, it is my desire and will, with respect to that which appertains to me, that now and in the future during all your life you shall be my adelantado in the said islands of Florida and of Bimyny, which you have discovered, and in the other islands and lands, which you shall discover in those parts at our command, which have not been discovered by any other person. And you may be able to use and may use the said office in everything connected with and appertaining to it, according to and in the manner of our adelantados in these kingdoms of Castile; and you may enjoy all the honors, concessions, favors, exemptions and liberties, preëminences, prerogatives and immunities which by reason of the said office you may and ought to enjoy and should be rendered to you. And you may have and possess all the rights and other things appertaining to and concerning the said office of adelantado, according to law in the manner in which our other adelantados of the said Indies enjoy them. And by this my order I command the councillors, judges, magistrates, knights, squires, officials and gentlemen of all the cities, villages and towns, which there shall be in the future in the said islands which, you shall discover in those parts, that when you, Juan Ponce de León, have made the oath and formality, which are required in such cases and which you should make, they shall have, receive and consider you as my adelantado of the said islands and they shall exercise with you in the said office and in all the cases and things appertaining to and connected with it and shall observe and cause to observe toward you all the honors, concessions, favors,

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of this number was the office and title of adelantado promised.[1] As no grant has been noted later than 1600, the use of the term adelantado may be considered as confined to this period.

Notwithstanding their general similarity of tenor, the individual clauses of the capitulations show a great deal of variation in order, form and substance. Four clauses are common to all the capitulations: (*a*) a statement of the object of the expedition, together with a permission or license to undertake it; (*b*) a promise of the grant of the title of adelantado; (*c*) a promise of the office of governor of the region to be discovered and settled; and (*d*) a promise to fulfil the agreement on the part of the crown, provided that the individual shall comply with all the stipulations of the contract.

Usually the statement of the object of the expedition was brief and was accompanied by a recognition of former services as a basis for the grant. The region in which the operations were to be carried on was specified as accurately as the existing

exemptions and liberties, which by reason of the said office you should have and enjoy and which should be observed toward you. And they shall support and cause to support you in all the rights connected with and appertaining to the said office according to and with that with which they support and must support our other adelantados of these said kingdoms and of the said Indies, and nothing more nor beyond, and in conformity with the said laws. For I, by these presents, admit you and have admitted you to the said office, and I give you power and faculty to use and exercise it in the form above indicated. And I command the illustrious prince, Don Carlos, my very dear and much beloved son, the princes, dukes, prelates, marquises, counts, grandees, masters of the orders, priors, commanders, sub-commanders, wardens of the castles and fortified and unfortified houses, members of my council, judges of my audiencias, mayors, sheriffs, justices of the peace, magistrates, knights, squires, officials and gentlemen of all the cities, villages and towns of the said Indies, that this favor, which I thus grant, of the said office of adelantado of the said islands of Bimyny and Florida, and the other islands which you shall discover, they shall observe and fulfil and cause to observe and fulfil this my order, in everything as is contained in it; and against the tenor and form of it they shall not go nor contravene it at any time nor in any manner, under the penalty of my favor and of ten thousand for my exchequer. Given in the city of Valladolid, the 27th of September, 514 years. I the King. Countersigned and signed by the same."

[1] Of seventy capitulations examined, twenty-nine promised the title of adelantado. Following is a list of those who are known to have borne the title of adelantado during the sixteenth century, given as far as possible in the order in which they made their capitulations with the crown. No capitulations or patents have been seen for those marked x, and the dates of these, which in some cases are conjectural, have been determined from secondary sources.

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DATE	ADELANTADOS	REGION ASSIGNED	TERM
1497	Bartholomew Columbus	Indias (i.e. the New World).	
1512	Juan Ponce de León	Bimyny and Florida	One life.
1514x	Vasco Nuñez de Balboa	South Sea.	
1518	Diego Velazquez	Certain islands	One life.
1519	Ferdinand Magellan and Luis Falero	Spice Islands	Forever.
1519	Francisco Garay	Pánuco.	
1523	Lucas Vazquez de Ayllon	Lands north of Hispaniola	Two lives.
1524	Rodrigo Bastidas	Santa Marta.	
1526	Francisco Montejo	Yucatán and Cocumel	Forever.
1526	Panfilo de Narvaez	Rio de las Palmas to Florida	Forever.
1527	Fernan Camelo	Bermuda	Forever.
1527x	Pedro de Alvarado.		
1528	Enrique Cinquer and Guillermo Sayller	Santa Marta	Forever.
1529x	Simon Alcazaba	Coast of South Sea from Chinchu, 200 leagues.	
1529	Francisco Pizarro	Tumbez	One life.
1530	Diego Ordaz	Marañon to Cape de la Vela	One life.
1532x	Antonio Sedeño	Trinidad.	
1534	Diego de Almagro	200 leagues toward the Straits of Magellan	One life.
1534	Pedro de Mendoza	Rio de la Plata	Forever.
1535	Pero Fernandez Lugo	Santa Marta	Two lives.
1536	Licenciado Espinosa	From R. San Juan to Cartagena and Peru	One life.
1536	Juan Despes	200 leagues from Rio Salado, New Andalusia	One life.
1536x	Juan de Salinas Loyola	Yguarsongo	Two lives.
1537	Hernando de Soto	Rio de las Palmas to Florida.	Forever.
1539x	Pascual de Andagoya	Rio San Juan.	
1540	Alvar Nuñez Cabeza de Vaca	Rio de la Plata to Straits of Magellan.	
1540	Sebastian de Belalcázar	Popayán.	
1540	Pedro de Heredia	Cartagena	One life.
1544	Francisco Orellana	Amazon	Two lives.
1547	Juan Sanabria	200 leagues from mouth of Rio de la Plata	Two lives.
1555x	Domingo de Irala	Rio de la Plata.	
1564	Alvaro de Amendaña	Western Islands	Two lives.
1564	Pedro Marvaez de Silva	Omagna, Yomeguas, Quivandto, in New Estremadura.	
1564	Juan de Villora	Rio de Darien.	
1565	Pedro Menendez de Avilés	Florida.	Forever.
1568	Pedro Marvaez de Silva	New Estremadura	Forever.
1568	Diego Hernandez di Lerpa.	New Andalusia.	
1569	Juan Ortiz de Zarate	Rio de la Plata	Forever.
1575x	Juan de Garay	Rio de la Plata.	
1587x	Juan de Torres	Rio de la Plata.	
1591x	Hernando Arias	Rio de la Plata.	
1600	Juan de Oñate	New Mexico.	

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geographical knowledge of the time would permit; and the earlier capitulations commonly contained a prohibition against encroachment upon Portuguese territory.[1] Permission or license to make the expedition was then specifically given, accompanied by the provisions that all expenses were to be paid by the party entering into the contract. The purpose of the undertaking was set forth as being one or more of the following, *viz.*, discovery, exploration, conquest, pacification or settlement. In the earlier capitulations the emphasis is on discovery and conquest; later the use of the term conquest fell into disfavor, and for it was substituted in most cases the word pacification. Settlement was almost always included as one of the chief objects of the expedition. To the later capitulations was usually prefixed a species of introduction, consisting of a long and elaborate statement of the propositions advanced by the person seeking the grant. If the demands were not in excess of what the crown was willing to concede, most of the clauses of this preliminary statement were repeated in the main body of the capitulation.

The capitulation proper determined the obligations of the individual and of the crown and the privileges accorded to the former. There was no fixed order in the arrangement of the clauses and no separation of them into distinct groups: they seem to have been put down at the caprice of whatever person happened to draw up the document. Constant repetition and the drafting of legislation on the subject of discoveries made the order of the later capitulations somewhat more uniform.

In addition to carrying into effect whatever might be incidental to the work of discovery and exploration, the adelantado undertook to conquer or pacify and settle the region entrusted to him and to seek the conversion of the natives to Christianity. To these ends the proposed expedition had to be duly equipped and provisioned, and a number of priests or brothers

[1] General registers of orders, appointments *etc.*, Archives of the Indies, est. 139, caj. 1, legs. 1 and 2. Many of the capitulations are printed in Documentos Inéditos de Indias, first series, vols. 22 and 23. Misprints and other errors are so numerous in this series that, wherever possible, the originals should be consulted. *Cf.* Lowery, *op. cit.* p. 146, note.

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of the religious orders had to be taken along. In every case it was specified or implied that all this must be accomplished at the expense of the adelantado, but with the hope of reimbursement from the profits of the new colony, should the expedition be successful.

The size of the expedition and the extent of the settlements to be made were not always specified. The number of vessels was usually stated to be that needful for the accomplishment of the task, or that which the applicant desired or was able to send out. Provision was often made for the fitting-out of fleets over a period of years. The number of settlers or of persons to take part in the expeditions, wherever mentioned, varies from twenty to five hundred, but the number rarely fell below one hundred. At times the capitulations fix the number of settlements to be founded, each of which usually was to have at least a hundred inhabitants.

As it was customary to grant a monopoly of the privilege of discovery, conquest and trading rights, it was found convenient to place a time limit for the fulfilment of the terms of the contract. The common limit was one year; but in some cases it was slightly less and in a few considerably more, the extreme limit of ten years being found in the capitulation with Magellan.

The protection of the newly established colony was almost always the subject of a clause in the capitulation. The individual entering into the agreement was obliged to build a number of forts, usually from two to four, in suitable locations, either chosen by himself or in conjunction with the advisers indicated by the crown. These were to be of a size and strength sufficient to afford ample protection to the settlers and were to be built at the expense of the adelantado. In some cases it was provided that the initial cost of them should be repaid out of the profits accruing to the crown from the venture. In return for this outlay the adelantado was given the command of each of the forts for one or more lives,[1] with an

[1] The term "one or more lives," as used in this paper, refers to the period of time for which offices and titles conferred by the Spanish crown were to be held. One life indicates that the grant was to last during the life of the grantee only; two lives, during that of the grantee and that of his son or heir; and so on. The expressions commonly used were: one life, two lives, three lives, and forever.

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annual salary for each one ranging from sixty thousand to one hundred and fifty thousand *maravedís*. In order also to protect the new possessions from dangerous influences, it was provided that certain classes of persons, including foreigners, lawyers and individuals under the ban of the Inquisition should not be taken on any of the expeditions.

The treatment of the Indians was the subject of much attention in the capitulations. The adelantado was bound to observe all ordinances and laws regarding these new subjects of the crown, particularly those which guaranteed them the status of freedom. After 1526 it was customary to include in each capitulation, either integrally or by title, the general enactments of Charles V on the subject.[1]

Certain special rights were usually conferred upon the adelantado, some of which were to be exercised in Spain. Thus he was authorized to recruit followers in Castile or other specified places, and he had permission to purchase all necessary supplies, often free of taxation. He was to receive all possible aid, also, in the preparation of his expedition, and officials of every kind were specifically forbidden to interfere in any way with his plans.

In the adelantamiento proper very extensive powers were bestowed. The adelantado had the privilege of granting land and

[1] These enactments were issued at Granada, November 17, 1526. After an introduction describing the abuses that had prevailed in the founding of settlements and in the treatment of the Indians, they provide (*a*) that an investigation of such abuses shall be undertaken; (*b*) that the Indians shall be treated as free subjects of the crown; (*c*) that two priests shall be taken on each expedition; (*d*) that these priests shall see that the enactments are obeyed; (*e*) that no landings shall be made at other than specified places; (*f*) that the Indians shall be notified on landing that the purpose of the expedition is to convert and civilize them; (*g*) that forts shall be built if necessary; (*h*) that no bartering shall be carried on by force; (*i*) that no Indians shall be enslaved unless they refuse to accept religious instruction and to yield obedience, and then only with the consent of the priests and after the fulfilment of due legal forms; (*j*) that the Indians shall not be compelled to work, but may be hired for the purpose; (*k*) that Indians may be granted in *encomienda* (*cf. infra*) to Christian persons, when this shall be for their benefit; (*l*) that the expedition shall be recruited in Castile; and (*m*) that the discoverer shall receive due reward if the terms of the capitulation are complied with. The enactments are given substantially in the capitulation with Panfilo de Narvaez. Documentos Inéditos de Indias, first series, vol. xxii, pp. 231–244.

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water rights to the settlers whom he took with him. He could assign Indians in *encomienda*,[1] usually only for one or two lives. Exemptions from taxation were allowed, not only to the adelantado, but also to the settlers and even at times to such merchants as might go to the colony. The adelantado was freed for life from the payment of import duties (*almojarifazgo*), and the settlers were granted the same exemption for periods ranging from six to ten years. The tax on sales (*alcabala*), also, was usually waived for either ten or twenty years. Another valuable favor to the adelantado was the grant, for life or for a term of years, of a share (ordinarily a twentieth or a twelfth) of the entire amount of the profits of the colony accruing to the crown. In the ecclesiastical tithe, however, which in America was a perquisite of the crown, the adelantado had no share, though a portion of the proceeds of the tithe was often assigned for the building of churches in the new colony.

Gold and precious metals were the articles from which the greatest profit was expected, and the crown was naturally desirous of securing the most ample share of them. It seems that the ultimate aim was always to secure a fifth; but as this percentage was evidently considered rather high for the first few years of a new enterprise, it was customary to make concessions by which the adelantado and his followers were not obliged to pay the full fifth. At first a progressive scale was arranged, *viz.*, one-tenth the first year, one-ninth the second and so on until the crown's share should be one-fifth. Later a distinction was made between mined gold and that secured by barter or otherwise. Mined gold paid one-tenth for a period of six or ten years and then was subject to the progressive scale, whereas gold secured by barter paid one-fifth from the beginning, and that found in sepulchres and like places paid one-half.

In many of the later capitulations there was a clause regard-

[1] Literally "commandery." The term indicates the arrangement, which early became usual, under which a group of Indians were assigned, usually under their "cacique" or chief, to some Spaniard of good repute who would oblige them to work under humane conditions and who would see to it that they were taught the Christian faith. Both coercion to labor and conversion to Christianity were viewed as means of uplifting them from barbarism to civilization.

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ing the disposition of the property or ransom of captured princes. Of this property or ransom, the king was to receive one-sixth and the remainder was to go to the captors; but in case the chief were killed, one-half of the property was to go to the king.

The obligations of the crown consisted, as a rule, in the bestowal of honors rather than in the assumption of any financial liability. Of course the protection of the government was given to the adelantado, assuring him due honor and respect, not only in his own adelantamiento, but also in all parts of the kingdom. Ordinarily he was to enjoy a monopoly of carrying on expeditions to the colony and of trading and fishing rights within his district.

The office of adelantado was granted for one or two lives or in perpetuity, usually with the power, in case the incumbent had no heir, to name his successor. No specific salary was connected with the promise of the office, but in some of the later capitulations it is stated that he shall enjoy such salaries as appertain to the office. Furthermore, as a rule, the adelantado was made high sheriff (*alguazil mayor*), but separate patents were granted for each of the offices. The term of the latter office was generally the same as that of the office of adelantado, and no salary was connected with the position. The most important power of the alguazil mayor was the appointment of the ordinary sheriffs or bailiffs.

Every adelantado was made governor of the province that he might settle, thus giving him control of the political administration. This office was granted for one life or for two lives, and carried with it not only a considerable salary but also, at times, a yearly grant of financial aid. When stipulated in *maravedîs*, the salary ranged from 150,000 to 725,000; when in ducats, from 1000 to 5000. The larger salaries carried with them the obligation to pay an extensive retinue or certain prescribed lesser officials.[1] The salary was always to be provided from the income of the province, never from the royal exchequer at home.

[1] In 1530 Diego de Ordaz was obliged to pay a justice of the peace, ten squires, thirty laborers, a physician and a druggist. Archives of the Indies, est. 139, caj. 1, leg. 2, no. 3, fol. 5.

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In order that the adelantado might control the military organization of his province, he was made captain-general. The promise of this office often appears in the same clause with that of governor, although separate patents were usually issued. An ample salary was provided, sometimes separate from that as governor and sometimes included in it.

The final clause of every capitulation was a promise of the sovereign to comply with the terms of the agreement, in case the adelantado fulfilled all that was required of him. A typical example of this clause is to be found in the capitulation of 1526 with Francisco Montejo, adelantado of Yucatán:

> If you do that which is indicated above at your own expense and in the manner already set forth, observing and complying with the said provision which is incorporated above and all the other instructions which we shall order you to observe and to do for the said land and for the conversion of the natives to our holy Catholic faith, I say and promise that this capitulation and everything contained in it shall be fulfilled exactly to you as is indicated above.[1]

A study of the capitulations entered into by persons who did not receive the office of adelantado shows a remarkable similarity to those examined above. In fact, every clause of importance in the capitulations of the adelantados is to be found in one or more of the capitulations of the non-adelantados, with the exception, of course, of the clause promising the office and title in question. Except for the fact that the expeditions of the non-adelantados, as a rule, were not so large as those of the adelantados, and that the non-adelantado was obliged to build only one or two forts, the form and content of the capitulations of the two classes of discoverers was substantially the same.

Formal legislation regarding the office of adelantado in America is first found in the *Ordenanzas sobre descubrimiento nuevo é poblacion*, issued by Philip II at Segovia in 1563.[2] These ordinances were confirmed ten years later,[3] and finally were incorporated, practically without change, in the legal code

[1] Documentos Inéditos de Indias, first series, vol. xxii, p. 223.

[2] *Ibid.* vol. viii, pp. 484–537.

[3] *Ibid.* vol. xvi, pp. 142–187.

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known as the Laws of the Indies.[1] After the publication of these ordinances, the capitulations were little more than a repetition of their provisions. They specify, in a minute and orderly manner, all the customary obligations, duties and privileges of persons making contracts with the crown for discoveries and settlements, and receiving in return therefor the office and title of adelantado, or some other. They show, also, that the adelantado was the highest in rank of the three offices conferred for the purposes in question, *viz.*, adelantado, alcalde mayor and corregidor.

From the language of the *Ordenanzas* and from the terms of the capitulations themselves it is clear that the adelantado possessed administrative, legislative and judicial powers in his colony. Among his administrative functions was that of granting in *encomienda*, for purposes of labor and of religious instruction, all Indians, not otherwise assigned, and all who might become available therefor during his term. If they were within the district of a Spanish settlement, the grant could be for two lives and, if without, for three lives. There was, however, one important limitation: the power to assign Indians living in ports and capitals of the provinces was not conferred upon the adelantados but was always reserved to the crown.

The power of appointing lesser officials was conferred upon the adelantado; in some cases absolutely, in others only to a limited extent. Having organized his province by dividing it into suitable districts known as *alcalaías mayores*, *corregimientos* and *alcaldías ordinarias*, he could fill the first two offices by appointment and confirm the elections made by town councils to the last. A suitable salary had to be provided by him for each of these officials. He could also name the *regidores* and other town officials of the new settlements, in cases where they were not otherwise provided for by the crown, subject to the condition that they should be confirmed by royal order within four years. In conjunction with the councils (*cabildos*) of the new towns, the adelantado had to provide commons, watering-

[1] The Spanish title is Recopilación de leyes de los Reynos de las Indias. The first edition was published in 1681, by order of Charles II. For a discussion of the code *cf.* H. H. Bancroft, History of Central America, vol. i, pp. 285 *et seq.*

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places, highways and roads needful for the development of the settlement.

The financial powers of the adelantado were not inconsiderable. He and his successor could make dies for the coinage of money. With the consent of the officials of the royal treasury of the colony, he might employ its funds to such an extent as should be necessary for the suppression of rebellion. He could also make temporary appointments to fill vacancies in the treasury department.

The ordinary military power necessary for the general administration of the colony was vested in the adelantado. In particular, he was to build three forts and to arm and provision them. The command of these forts was vested in him and his heirs perpetually, with a suitable salary to be paid by the royal treasury from taxes collected in the province itself.

The legislative power of the adelantado included the making of ordinances for the government of the colony and for the working of the mines, provided that such ordinances were not contrary to justice or to royal orders. The ordinances of the adelantado were valid for two years; in order to continue longer in force, they had to be confirmed by the king.

Both civil and criminal jurisdiction was placed in the hands of the adelantado, but only on appeal from the lieutenant-governor, alcalde mayor, corregidor or alcalde ordinario. From his decision an appeal might be taken to the Council of Indies, in civil cases involving amounts greater than six thousand dollars, and in criminal cases where the penalty imposed was death or mutilation. It was also provided that the adelantado should be directly responsible to the Council of the Indies; and viceroys and audiencias were forbidden to meddle in the affairs of the adelantamiento.[1]

[1] The viceroy in the Spanish provincial organization was the representative of the crown and the highest administrative officer, having also judicial and military powers. The first viceroyalty was established in 1534 in Mexico. Later three others were formed to govern the whole of Spanish America, *viz.*, Peru (1542), New Granada (1717, 1739) and Buenos Aires (1776). The audiencia was a high court of justice, exercising at times certain administrative powers. It also served in an advisory capacity to the viceroy and formed a check upon his powers. The first audiencia was established in Santo Domingo in 1511.

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As already observed, the adelantado enjoyed many privileges and exemptions, both because of his rank and because of the great expenses to which he might be put. The privileges in question fall into two classes: those to be enjoyed in Spain before the departure of the expedition, and those to be enjoyed in the colony itself. The first class included such favors as would aid in the preparation and execution of the work projected. The leader of the expedition could enlist men anywhere in the kingdoms subject to the crown of Castile and León, and avail himself of all means of advertisement necessary to attract public attention to his undertaking. While this was being done, the local officials were especially charged not to interfere in the least with his plans, but rather to do whatever they could to further them. Whoever enlisted in the expedition of the adelantado, furthermore, was compelled to obey him and must not desert him or join any other expedition, without due permission, under pain of death. All officials were instructed to grant every facility for the passage of the expedition through their districts and for its departure. It was especially provided that no restrictions should be placed upon the inclusion of the necessary live stock in the supplies to be taken to the colony. The House of Trade (*Casa de Contratación*) at Seville was obligated to do everything in its power to aid the undertaking, even to the extent of not investigating the character of the persons who were enlisted in it. However, the adelantado should see to it that all his followers were persons of good character and that none of the prohibited classes were included.

The greatest privilege enjoyed in the adelantamiento as such was the right of the adelantado to select for himself in the district of each Spanish settlement a repartamiento and to exchange it for a better one should the occasion arise. This he could bequeath to his eldest son or divide among his children, either legitimate or natural. He was also permitted to own encomiendas in provinces outside of the adelantamiento. The adelantado, also, could import each year a fixed number of negro slaves and two shiploads of arms and provisions, free of duty.

In the customary judicial investigation (*residencia*) at the end of the term of office, the services of the adelantado were

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to receive due consideration, and the conduct of the trial was to be regulated accordingly. If the contract had been fulfilled, the crown would grant to the adelantado encomiendas in perpetuity, together with the title of marquis or some other of like rank, as well as extensive tracts of land.

Finally, it was provided in the *Ordenanzas* that "discovery, settlement and pacification with the title of adelantado should be given and conceded only in provinces not contiguous with the district of the province of a viceroy or royal audiencia, from which the region could be easily governed, and the discovery, settlement and pacification could be made."[1] Where the settlements were to be formed within the jurisdiction of a viceroy or an audiencia, the title of alcalde mayor or corregidor was to be granted.

Such then was the dignity offered to induce the ambitious Spaniard to leave his home and to brave the wilds of an unknown wilderness for the purpose of extending the dominions of his sovereigns in the New World and of seeking the conversion of its native inhabitants to the religion of his race, always, of course, with the hope that great wealth would come to himself. The size of the expedition, the obligations imposed and the expense involved limited the holding of the office of adelantado to members of the nobility or to men of ambition who had served as subordinates in earlier expeditions and had been enabled to acquire the financial means for more ambitious projects.

On the basis of the foregoing study, the attempt can now be made to determine whether, in America, adelantado was merely an honorific title or designated an office with functions actually to be performed. The confusion on this point arises from the incompleteness of the legislation of the time, from the fact that identical functions, powers and privileges were granted to officials bearing different titles and ranks, and that the adelantado always held a number of other offices which were never clearly differentiated from that of adelantado.

[1] Ordenanza 87, Documentos Inéditos de Indias, first series, vol. viii, p. 513. This had not been the rule up to this time (1563), nor was it strictly adhered to afterwards, as is seen in the case of Juan de Oñate, adelantado of New Mexico.

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At first glance it would appear that adelantado was nothing more than an honorific distinction. In substantiation of this view two facts may be cited: first, that the adelantado was *ipso facto* governor, captain general and high sheriff of his colony and that the duties he had to perform belonged to these offices; and second, that many of the local governors who were not adelantados possessed the same functions as the latter.

On the other hand there are several considerations that tend to prove that adelantado was more than an ornamental title; that it designated an office with functions of its own, even though these functions were at times discharged and later taken over completely by other officials.

The relation of the term as used in America to its use in Spain precludes the idea that it was merely an honorific title. In the establishment of a colonial system, offices and functions common in Spain would naturally be transplanted. In Spain the adelantado was a judicial and executive officer of high rank. The dignity was commonly conferred upon persons who undertook the conquest of territory from the Moors.[1] The same crusading spirit was carried over to America, and the use of the term adelantado may be considered as identical in the two hemispheres. If this be true, it can hardly be supposed that an office endowed with such important functions could suddenly be transformed into a title simply, because applied to conditions which were not, after all, so very dissimilar to those prevalent in Spain during the period of the Reconquest.

This view of the matter is supported by the language of the capitulations themselves.

> You may use the said office in everything connected with and appertaining to it, according to and in the manner of our adelantados in these kingdoms of Castile, and you may enjoy all the honors, concessions, favors, exemptions and liberties, preëminences, prerogatives and immunities, which by reason of the said office you may and ought to enjoy,

is the phraseology used to indicate the extent of the adelan-

[1] The grant of the adelantamiento of Cazorla to the bishop of Toledo, in return for the conquest of the region, is a notable example.

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tado's powers and privileges. A reference to the legislation of the *Siete Partidas* and of other early codes shows the duties that he had to perform and the privileges that he should enjoy.

Again, in the ordinances of 1563, the offices of adelantado, alcalde mayor and corregidor bestowed upon the leaders of expeditions for discovery and settlement are differentiated from one another in rank and in the stipulations to be fulfilled. This legislation must be regarded as the crystallization of earlier practice and an evidence of what had been the custom during the preceding half century. The two latter titles certainly carried with them functions, and it is reasonable to infer that the same was true in the case of the adelantado. The ordinances, furthermore, provide that there shall be an investigation (*residencia*) of his administration, precisely as in the case of other officials who had served the crown. And if this were not enough, a survey of the actual administration of their respective provinces by adelantados, such as Ayllon, Montejo, Pizarro, Mendoza, Cabeza de Vaca, Belalcázar, Irala, Menendez de Avilés, Garay, Oñate and others,[1] who succeeded in exercising the authority with which they were invested, would show that the title was one of office and not simply of honor.

The reason for the discontinuance of the office and title of adelantado in America lies in the fact that their bestowal belonged in a peculiar sense to the period of discovery and conquest. By the beginning of the seventeenth century most of the territory claimed by Spain had been brought under the administrative control of viceroys and under the judicial power of audiencias. Since no region was left in which administrative and judicial functions could be combined to the advantage of colonial organization in the hands of a special officer like the adelantado, the office necessarily disappeared along with the circumstances responsible for its introduction.

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[1] *Cf. supra*, p. 655, note 1.

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REVIEWS.

Valuation of Public Utility Properties. By HENRY FLOY. New York, McGraw-Hill Company, 1912.—viii, 390 pp.

Engineering Valuation of Public Utilities and Factories. By HORATIO A. FOSTER. New York, D. Van Nostrand Company, 1912.—xvi, 345 pp.

Valuation of Public Service Corporations. By ROBERT H. WHITTEN. New York, Banks Law Publishing Company, 1912.—xl, 798 pp.

Significant both of the general interest in the problem of the valuation of public utilities and of the newness of that problem, is the fact that, although there had previously been no extended treatise on the subject, three considerable works have appeared simultaneously. Of these, two are by practicing engineers, Messrs. Floy and Foster; the third is by an economist and lawyer, Dr. Whitten. While all deal with the same topic and bear almost identical titles, there is the expected difference in the treatment. Messrs. Floy and Foster tend more to the consideration of technical problems connected with valuation, and with the methods and procedure in conducting investigations. Dr. Whitten, on the other hand, places more emphasis on the legal conceptions, is more liberal in citation of decisions by commissions and courts, and deals somewhat more with underlying principles and theoretical considerations. The two former take a more practical view and branch off into tables, formulas, and forms; the latter adopts a broader and perhaps a more academic view. The engineers, as is to be expected and perhaps to be pardoned, show an extreme confidence in their profession, claiming not only that the engineer must estimate costs and depreciation, but that he alone is competent to deal with the distribution of costs, good-will, and franchise values—questions which belong to the sphere of accounting, economics and law rather than to that of engineering. And all three authors agree in an attitude of condescension, if not of contempt, toward the accountant, and toward what are called "mere bookkeeping entries."

In all the works emphasis is placed on valuation for the purpose of fixing rates. All accept the conventional doctrine that the basis of

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valuation varies with the purpose for which the valuation is made. One may question whether this distinction is not at times overemphasized, as when Mr. Floy claims that, for taxation, property should be estimated not at its normal value but at the price which it would bring at forced sale. Accepted custom might make it inequitable to value a single parcel higher than its forced-sale value, or at more than an arbitrary percentage of its real value. But this does not at all establish a principle of valuation. If the basis of taxation is ability to pay, there is no reason to emphasize forced-sale value. A palatial country house might bring at forced sale no more than a much less costly, but more normal city home. The ability of the owners to pay would probably be proportionate to the cost rather than to the forced-sale value. Dr. Whitten, on the other hand, while giving full importance to the distinction between a valuation for rate making and one for condemnation, does show that in essence they are more nearly the same than has generally been admitted.

For rate-making the more frequently used bases of valuation are original cost, cost of reproduction and present value. The engineers favor cost of reproduction as tending to approach an expression of present value, or at least a hypothetical present value which might exist were competition present. Dr. Whitten, on the other hand, uses reproduction cost merely as a convenient rule for approximating original cost, which he takes as the real basis for valuation. In older companies, he claims, it is impossible to resurrect the records, and no one can ascertain the actual cost. But an estimated cost of reproduction approximates the original cost as nearly as can be hoped for. Messrs. Floy and Foster attempt no theoretical justification of any given basis of valuation. Dr. Whitten's more theoretical mind harks back to the sacrifice of the investors. Not what the plant is intrinsically worth, but what the owners put into it, is said to be the equitable basis for rate regulation. The company, he says, "devoted a certain amount of money to a public use and is equitably as much entitled to a fair return on that investment, provided the business can be made to earn it, as though it had actually loaned that amount to the public" (page 87). But the argument is unsound. Aside from the obvious fact that the investment is not a loan (and if it were a loan, it should be repaid whether there are earnings or not), objection can be made to using an analogy which quite begs the question. Equally fair would be the analogy to a long-time lease of property to the public, the lease calling for periodical revaluations. In such a case no one would claim that the original cost of the property affects the rental to be paid after

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any subsequent revaluation. The question at issue is whether an investment of capital in a public utility resembles more a loan or a lease. To claim that because certain rules govern a loan, they must also govern investment in a public utility is a logical *non-sequitur*.

Much is said in current discussion as to equity in valuation. But so long as no agreement is reached as to what constitutes equity, it is feared that conclusions will be unsatisfactory. Perhaps it will ultimately be found that the solution is not altogether one of equity, but rests in part on expediency in the distribution of the risks and the advantages involved in industrial progress. In competitive industries little attention has been given to the regulation of profits, although there are indications that such regulation may some time be attempted. But in public utilities competition is abnormal, and the present régime calls for regulation of prices and limitation of profits. Some find a criterion in attempting to secure the level of prices that theoretically might be expected had competition prevailed. Others go to the opposite extreme, even attempting to prevent the effects of such competition as actually exists, as is done where railroad rates are fixed so as to allow a fair return on the cost of the more expensive of two competing lines, although the new competitor thereby gets unusual gains. The former view emphasizes cost of reconstruction; the latter, original cost.

Difficulties arise whichever course is taken. If cost be chosen as the proper basis, shall the public bear the risk of making ventures in new enterprises, or shall all essays at improvement be delayed until in some mysterious manner they have been proved to be successes and not merely ventures? How can the public distinguish between the wise investor and the inefficient one? Or shall it allow "fair returns" on the investments of both alike? One course threatens the public with the burden of unwise ventures. The other threatens to impede progress and to stifle initiative.

A solution to the dilemma is proposed in allowing unusual rates of return on speculative ventures, but refusing to continue such returns indefinitely. Thus Dr. Whitten says that, granting that twenty per cent was a fair return on capital invested in the first gas plant in New York, it is ridiculous to claim that ninety years later it is still entitled to the same rate. But there are difficulties in declaring the returns on a single enterprise to be excessive when the rate was no more than necessary to secure capital for the investment. Would it, for instance, be equitable, when one has gained the single capital prize in a lottery, to say that he was more than compensated for the risk, and hence to appropriate part of his winnings, although the price paid was much less

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than the sum realized from the sale of all the tickets? If this were attempted should the single ticket be considered, or the total investments in that lottery by the individual who won the prize, or all purchases by all purchasers? Undoubtedly returns can sometimes be shown to be excessive, but it is hard to establish the fact satisfactorily. For the public to cut down the profits of the exceptionally fortunate enterprise resembles somewhat the refusal of an insurance company to pay the full amount of a policy, because it represents an inordinate gain on the premium paid by the man who was insured only a year before his death.

But the greatest difficulty arises in connection with industrial improvements. An investment is made, wisely and economically, and rates are fixed to yield a fair return. But in later years new methods are introduced, new inventions are made, which would make it possible to render similar services at greatly reduced rates. In ordinary industries competition would arise, rates would fall, and the loss would fall on the original investor. But if returns are allowed on the basis of the original cost these results are not secured. The Supreme Court, in Smyth *v.* Ames, 169 U. S. 466, thus argues that to reduce rates so as to yield fair returns only on the price at which a new road might then be built would not satisfy the common sense of right and wrong, and would be neither reasonable nor just. Society is therefore to a considerable degree cut off from the savings which might arise from industrial improvements, if the original cost is taken as the basis of rates. Equity may indeed be involved in the problem so far as earlier enterprises are concerned. But in the broader question of a policy of regulation for new enterprises extending into the future, it seems that a satisfactory solution can be reached only in connection with the far-reaching problem of the proper sharing, between investor and public, of the risks and the benefits of industrial improvements. And this problem, which is not attempted in the volumes under review, involves much more than a mere application of accepted notions of equity.

The cost of reconstruction, as the basis of rate-making, does much to secure to the public the advantages arising from improvements. But even its advocates generally apply it in a limited, ineffectual way, with a squint toward original cost. Estimates of reconstruction costs almost always consider the conditions under which the plant was originally constructed. The present prices of labor and material are taken, but these are applied under conditions approximating those when the plant was built. And seldom is any consideration given to the cost of constructing a substitute plant which utilizes a new invention but renders equally efficient service. The present practice in-

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consistently allows rates to be reduced if manufacturers find a way to produce steel rails more cheaply, but does not reduce rates to correspond with an entirely new invention.

In treating depreciation the three authors show some differences. Dr. Whitten is the most logical and systematic. Mr. Floy is greatly at fault in confusing present efficiency with present value, and in making the irreconcilable statements that a machine has a definite life and that it is of equal value so long as it runs with equal efficiency. This is most baldly brought out in his diagram and in the statement: "Apparatus that is in use and rendering a service economically may for the purpose for which it was intended be as valuable as when originally installed, although its age may be approaching the limit of its life. . . . If its annual maintenance charge is no greater than in the earlier years of its history, its 'service value' to the company as a going piece of property is as great as when first installed." An efficiently operating plant may conceivably maintain a constant value, but that can be only where the unit considered, as for instance the entire railroad, is regarded as settled, perpetual and non-depreciating. Uniform value and terminable life are mutually contradictory, except where the value is nil. The "one-hoss shay" wore evenly for one hundred years and then suddenly broke down. In its last year it worked just as efficiently as in the first, and had no greater maintenance charge. But no one can say that it was as valuable as when it was new, or even as when it had still two years of service before it. But both in text and diagram Mr. Floy indicates that the purchaser will pay practically the same for a machine that has one year of anticipated life as for one having two years, and almost as much as for one having fifteen years. Mr. Foster's view of depreciation in this respect is sounder. He errs, however, in stating that annual depreciation is the sum of the allowance for obsolescence, inadequacy *etc.* Mr. Floy rightly shows that the depreciation which will first cause abandonment should alone be considered.

The subject of replacement, closely allied to that of depreciation, is not satisfactorily discussed, so as to bring out the exact relation between the two. Furthermore, there is some confusion as to the effect of borrowing to provide replacements and improvements. In a public utility, where rates are arbitrarily fixed to cover costs, the conditions are somewhat different from those in an ordinary commercial enterprise. Rates may be fixed either so as to provide for necessary replacements, or at a lower figure sufficient merely to cover running expenses, leaving replacements to be provided by issue of new securities. It is not certain that consumers, so far as they constitute a fixed body, are

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better off under one plan than under the other. Mr. Floy seems to claim an advantage under the first plan, and by the use of illustrative figures shows a saving thereby of nearly twenty-five per cent. But this alleged saving is due entirely to the difference in time of payments, and the estimation of interest thereon. In buying a house for $10,000 it is not necessarily cheaper to pay all cash than to pay by giving a mortgage at three per cent. It is true that in the latter case, the total payments over a period of fifty years, would, if the mortgage were to run for that term, amount to $25,000 as against $10,000 where all cash is paid. Whether it is more desirable or not depends on the value of money in the hands of the purchaser. But where the body of consumers is changing, a real inequity may be wrought by compelling one group of consumers to pay for the expenses properly belonging to another group. Of this real difference Mr. Floy takes no notice.

Similar considerations should be regarded in dealing with the problem of the treatment of early deficits, arising in the process of building up a going concern. Dr. Whitten criticizes the Wisconsin commission for advocating the capitalization of such deficits. The issue as he interprets it is between paying uniform dividends even though they are unearned in earlier years, and paying small or no dividends at first with compensatingly higher dividends later. But the commission, in the decision criticized, is not discussing any such an alternative. It is considering the relative desirability of allowing a permanent income on the sum representing capitalized deficits, or of charging consumers enough to reimburse the deficits. The commission argues against the repayment of the deficits, where these were necessarily incurred in building up the business, as being too heavy a burden on the consumers during the period of repayment. Dr. Whitten probably agrees with this, for he says elsewhere that the costs properly chargeable to one period should not be transferred to the consumers of another period. Hence deficits which represent the cost of establishing the business, and are therefore allocable to the entire life of the concern, should not be borne exclusively by the consumers of any single period. Even though the franchise terminates after a definite period, consumers need not reimburse the deficits, for they constitute part of the going concern value, for which the successor company will pay, and which will form a basis of charges to future consumers. Where the expense covers a permanent improvement consumers should provide return *on* the investment, not return *of* the investment.

Dr. Whitten further construes capitalization of deficits as the issuing of capital stock to represent such deficits. He is perhaps correct in

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assuming that the commission could not have justified such a procedure. But he certainly exaggerates the evil of so doing. A company with $100,000 capital invests it all in a plant. Accumulated deficits necessary to the establishment of a going concern amount to $25,000. Provided that the valuation for rate purposes is held to be $125,000, which is sanctioned by Dr. Whitten as well as by the commission, it is relatively unimportant, so far as rates are concerned, whether or not this $25,000 is represented by an issue of stock. Nor is it significant whether rates are fixed so as to allow ten per cent on the original investment of $100,000 (as Dr. Whitten proposes) or eight per cent on $125,000. It is, however, a vital matter whether an expense of $25,000 shall be borne by all future consumers or shall be collected exclusively from the consumers of the first ten or twenty years.

The amortization of franchise costs is discussed by all three writers, but without reference to some important problems connected therewith. It is evident that if the company pays a given sum for a twenty-year franchise, the consumers should pay enough not only to allow a fair return on the investment, but also to reimburse the cost of the franchise. But this implies a similar treatment in the case of the succeeding company; and thus, from period to period, successive bodies of consumers are repaying to successive companies the cost of their several franchises. This means that the rates are made high enough to cause the consumers to pay into the city treasury the entire amount that the city receives as payment for franchises. It is virtually using the rates paid to a public utility as a means of taxing the consumers for the benefit of the city, and this when the utility is owned by a private corporation and not by the city itself. It may be perfectly good financial policy thus to use a public utility as a means of collecting taxes from unconscious consumers. It is, however, rather interesting to note that with rates regulated so as to bring a fair return, the price received for a franchise is no burden to the company, nor gain to the city, but is merely a device for collecting taxes.

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Railway Transportation. By CHARLES L. RAPER. New York, G. P. Putnam's Sons, 1912.—xi, 331 pp.

Professor Raper states on his title page that his work is "based, with the author's permission, upon President Hadley's *Railroad Transportation*," and in his preface he informs us that his "chief purpose is to revise and enlarge Hadley's book." The enlargement has resulted in

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an increase of 62 pages. The revision has been so complete that little of the earlier work remains.

The plan of the book is simple and thoroughly systematic. After a short introductory chapter Professor Raper subdivides his subject according to countries and discusses successively the railways of Great Britain, France, Italy, Germany and the United States. These are the countries whose railway history is most interesting to the student. To those who would include Switzerland in the list, it should be said that this state has been considered incidentally in the last chapter of the book where the author gives his conclusions as to the success of the state operation of railways. He groups what he has to say about each country under five heads, as follows: the development of the lines, the general conditions of traffic, the passenger service and rates, the freight service and rates, and the ideals and machinery of state control.

Those who desire to check the author's statements of fact will have difficulty, for in the entire book there are but four specific references to sources. The absence of foot-notes may possibly be regarded as an indication that the book is designed not so much for the special student as for the general reader. But for the general reader the value of Professor Raper's work is impaired by the inclusion of too large a proportion of uninteresting facts and by serious defects of style. In places, indeed, the English is inexcusably poor (*e. g.* pages 22, 58). Some of the faults of expression are so serious as to make his statements appear quite misleading. For example, in the treatment of the development of French railways, many sentences are so badly constructed that one who reads the discussion without previous knowledge of the facts is likely to get an entirely false impression of what actually occurred.

Other evidence indicates that the book is not intended as a strictly scientific piece of work. This affords the best explanation for the inexact statements which crop out. Thus the author says that charges for taxes are independent of the volume of traffic and earnings (page 231). The management of the Illinois Central doubtless wishes that this statement were always true. On page 12 appears the statement: "A railway, or any other form of transportation, can, therefore, never afford to be hostile to the interests of a community nor the community to its transportation facilities." While this may be true if by "community" one means the entire country, the statement is certainly not valid for particular communities and therefore does not summarize, as Professor Raper seems to infer, a complete solution of the railway problem. Indeed, some of the most vexatious questions

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arise because railways can afford to be hostile to the interests of one community in favor of those of another. Again (page 6), the author observes that "the creation, perfection, and operation of the Interstate Commerce Act have, we think, been the severest test of the efficiency of the Congress of the United States it has ever had." Of this it may be remarked that the work undertaken by Congress seems comparatively simple when we reflect that the Interstate Commerce Act was copied almost verbatim from English statutes.

The author follows President Hadley in an error when he emphasizes the importance of the report of the Italian Commission of 1878–1881 (page 109). This report, it will be remembered, presents its recommendation against governmental operation of the railways as though its decision had been reached only after a thorough investigation. It is now known that the report is not worthy of the weight which has been ascribed to it, since the commission was appointed with a view to securing that particular recommendation.

Taking Professor Raper at his word that his chief purpose in writing the book was to revise Hadley, it is quite evident that he has done his work too thoroughly. Aside from the general arrangement and a striking phrase here and there, the new book owes little to the older one. What is especially to be regretted is that the most interesting and valuable parts of Hadley are among those which have disappeared in the revision. It must be remembered, however, that the revision of another's book is a difficult as well as a thankless task. An author owes it to himself to do his own revising; he is the only one properly fitted to do it. To revise President Hadley's book was a particularly difficult undertaking, for it is a book which owes its long life not so much to the array of facts which it presents as to the inspiring discussion and interpretation of those facts. It is unfortunate that Professor Raper has failed to transfer this quality of inspiration into his new book.

ROBERT M. HAIG.

American Syndicalism: The I. W. W. By JOHN GRAHAM BROOKS. New York, The Macmillan Company, 1913.—264 pp.

A considerable part of his book, Mr. Brooks tells us, was delivered as lectures at the University of California in 1911. The author has thus been interested in American Syndicalism long before the word became familiar to American readers and long before the I. W. W. became of national significance. Members of the I. W. W. have told me

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that for some years Mr. Brooks had been in touch with them, eager to obtain information about principles, organization and methods.

This more or less close contact with men and conditions is reflected in the spirit of the book. There is a realism about it which is charming. Having seen the real people in the game, Mr. Brooks could not miss the deep emotions and ideal aspirations which find expression in this new movement. He feels that the I. W. W. voice the misery and wrongs of the very lowly, and his sympathetic appreciation of these aspects of the I. W. W.—regardless of others which he considers bad—is undoubtedly the most significant and the most valuable characteristic of his book. His whole attitude is summed up in his chapter on "The Service of the Awakener," the very title of which is a distinct appreciation.

Still in spite of his broad sympathies Mr. Brooks finds the I. W. W. "tantalizing." They are too much of a disturbance in the social scheme. They upset the balance of the reform movement which he has at heart. They cry out too loud for the lowly, while he is guided by the point of view of the "general public." They set themselves "whimsically chimerical" aims and may interfere with the only proper solution of the economic problem which Mr. Brooks finds in the "progressive participation of labor in management" and in all that this implies.

The book reveals some difficulty on the part of its author in balancing sympathetic appreciation of motive with critical repudiation of aims and methods. He is led thereby into comment upon comment to the extent of somewhat wearisome repetition and to the detriment of the descriptive portions of his book. He also fails to penetrate more deeply into the ideas and psychology of the movement and thus leaves the reader misinformed on some of the essential points of the Syndicalist program.

The gist of the volume is this. The I. W. W. form a tiny part of the general reform movement aiming at the democratisation of economic institutions. The elements that make up the I. W. W. are the "newer immigrant," the young, the irresponsible and the adventurous. These elements are less subject to the influence of traditional institutions, are more impatient and therefore more sensitive to the "history of disappointment" through which all political movements have passed, and are more inclined to substitute impulse for reason. In their ideals they let their imagination run riot. In their methods they are brutally direct and forceful. In their premises they carry their logic to paradoxical extremes. In a word, they are the psychological and social

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outcasts which no movement welcomes and no society cares for. They have to create their own movement and to arouse society to a realization of their existence by sabotage, direct action, general strike and wild talk in general.

While there is truth in this analysis, it does not touch the heart of the problem. The economic aspect of the situation is entirely neglected. The changing technique, the growing part of unskilled labor in the economic life of society, the consolidation of employers' organizations, the conditions of life of unskilled workers and other facts of similar nature are left out of account. On the other hand, "political disappointment" is too lightly passed over. Recent experience with political movements in all countries of the world has been of great significance. Its influence has not been confined to the minds of the young, the irresponsible and the adventurous. It is arousing mighty movements among the staid workers of England and Germany, no less than among the more light-hearted French and "newer immigrants." Mr. Brooks should have devoted more attention to this aspect of the situation in order to measure its social import.

The descriptive part of the book, as has already been remarked, is inadequate. The ideas of sabotage, direct action, the general strike, *etc.*, are not outlined with sufficient clearness and fullness. The history of the I. W. W. and of its forerunners is merely sketched. These are important shortcomings in a book of this kind and on a subject as yet so little known.

With all its defects, however, Mr. Brooks's "American Syndicalism" is a distinct contribution to the literature of the subject. It stimulates thought and calls forth sympathy. Its value is much enhanced by the simple and concrete style in which it is written.

LOUIS LEVINE.

NEW YORK CITY.

Socialism and Democracy in Europe. By SAMUEL P. ORTH. New York, Henry Holt and Company, 1913.—iv, 352 pp.

This is a study of the processes by which political democracy and the economic needs of the workingmen are being blended into socialism. The author rightly describes the origin of modern socialism as a "class movement, a proletarian movement," and shows that "the classes, wage-earner and capitalist, are the natural outcome of machine production; that socialism is one of the natural products of the antagonistic relations that these two classes at present occupy; that socialism

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tends to eliminate this antagonism by eliminating the private employer."

Three chapters are devoted to a sketch, along familiar lines, of the history of the socialistic movement in Europe, from Saint Simon to the Copenhagen Congress of 1910. Emphasis is laid upon the setting of the movement in the social condition of the laboring population and upon the gradual utilization, especially under Revisionist auspices, of the agencies of political propaganda. "Socialism is not merely an economic movement. It seeks today, and always has sought, the power of the state. The government is the only available instrument for effecting the change—the Revolution—the Socialists preach, the transfer of productive enterprise from private to public ownership. 'Political power our means, social happiness our end,' was a chartist motto. That is the duality of Socialism today" (page 55).

For the major portion of the volume, which consists of suggestive studies of political socialism in France, Belgium, Germany and England, Dr. Orth has had the advantage not only of wide reading but of personal interviews with all the great contemporary leaders of the movement. The chapters on Belgium and Germany are particularly clear and illuminating. In the former it is made clear how geographical position, well-defined social problems, and the marvelous leadership of M. Vandervelde have conspired to give the Belgian Labor Party "the most 'modern' program of the European Socialist parties and the most worldly efficiency." In the treatment of Germany, although the strange omission of any mention of the Gotha platform weakens the historical portion, the present status of German socialism is ably indicated—its efforts both in behalf of a real political democracy and in support of the material welfare of the workingmen. The thirty-odd pages devoted to the "Red" Labor Unions constitute the best brief account in English of German socialism's chief allies.

In contrast with the chapters on Belgium and Germany, those on France and England are distinctly disappointing. Especially in the case of France, misconception and misstatement are frequent. The historical introduction is inadequate and at times quite erroneous. French socialism should not be identified with the Communard movement, nor did the *affaire Boulanger* absorb the attention of the Republic in 1880 (page 75)! There is a grave confusion between the Jaurès Socialists and the Syndicalists. When the author tells of M. Jules Guesde's insistence a generation ago upon *le minimum d'état et le maximum de liberté*, he is really describing the origin not of present-day French socialism but of contemporary syndicalism. In fact this confusion is carried so far that M. Hervé's glorification of violence is

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construed as a typical sample of French socialism (page 111). Finally, the vital facts that explain the existence of socialism in France are brushed aside in favor of "national temperament." We are seriously told that there are socialists in France because the French love philosophical speculation and, above all, prize property! "That is why the Socialists number among their adherents all classes and all conditions of men, from Anatole France, most fastidious of literary aristocrats, to gaunt and hungry proletarians who infest the cellars and garrets of ancient Paris. The French are, after all, the greatest of realists. They speculate in dreams and delicate theories; but they never lose their grip on their little farms and their little shops and the gold bonds of Russia" (page 117). Such a passage displays more of journalistic fervor than of acute insight. How many French socialists actually own farms and gold bonds?

The attempt to explain various national forms of socialism on the ground of peculiar racial characteristics mars the chapter on England. The English are depicted as "conservative," "phlegmatic" *etc.* Yet despite this inherent conservatism, we learn to our surprise, that in England socialism "is discussed everywhere . . . the public mind is steeped in it" (page 210). It is unfortunate also that the author, in sketching the history of socialism in England, has hurried from Owen and Kingsley to comparatively recent times, apparently forgetting that the coöperative societies are an important outgrowth of Owenism and that land nationalization and municipal ownership are not without interest to British socialists.

For the student, perhaps the best features of the volume are the excellent bibliographies, the practical suggestions how to obtain the pamphlet literature of the chief socialist societies in Europe, and the valuable appendices, reproducing some of the most recent socialist platforms and thereby supplementing the collection of Ensor.

CARLTON HAYES.

Social Welfare in New Zealand. By HUGH H. LUSK. New York, Sturgis & Walton, 1913.—vi, 287 pp.

In something under 300 pages, this book reviews the main features and results of New Zealand's progressive legislation. Since in spite of much repetition of facts and more reiteration of thought it is fairly readable, and since it is recent and comprehensive, it furnishes probably the best single account of New Zealand's institutions now before the public. It lacks that literary quality which engages attention and

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that art of emphasis which fixes salient facts permanently in the memory, which gave such interest in its day to Reeve's *State Experiments in New Zealand and Australia*. Moreover, Mr. Lusk's book is mainly a lawyer's brief in favor of the New Zealand method of dealing with questions of distribution. Though the author pleads a good cause, and adduces facts sufficient to support his conclusions, he never allows the opposing side of the case to emerge in view. He falls into a few errors of detail, such as one writing from an intimate personal knowledge of events and consequently trusting over-much to memory may easily commit. But these are relatively unimportant. Four introductory chapters, designed to place New Zealand in a historical setting which reaches back to Greece and Carthage, have more value as an indication of the personal equation of the author than as an economic interpretation of history. The comparisons of conditions in New Zealand with those in America and other industrial countries lack accuracy and discrimination. The author views economic and social problems as problems solely of distribution, in their essence exclusively legal. He fails to take account of the forces of production and the other natural economic influences which have mainly determined New Zealand's progress during the past quarter of a century.

Mr. Lusk, though not born in New Zealand, has made that country his home for a lifetime. As a lawyer and member of Parliament, he has been prominently associated with the public affairs of the colony during the time in which its progressive policy has been developed. He therefore writes of the viewpoints and motives behind that policy with an authority that no outside observer could possess. The topics to which attention is devoted include the land laws, compulsory arbitration of labor disputes, workers' welfare legislation, old-age pensions, woman suffrage, government mortgages, aids to workmen in building homes, state railways, postal savings banks, government insurance, the use of public credit to finance individual enterprise at low interest rates, and the establishment of government industries to compete with private monopolies. While the discussion of these subjects sometimes lacks completeness and precision as a description of the institutions considered, it is exceptionally valuable in tracing the conditions and considerations which led up to their adoption. Though the achievements of this legislation are recounted with rather too much optimism, the critics of New Zealand's policy will have difficulty in escaping from the logic of the main facts which Mr. Lusk presents.

Compulsory arbitration has not eliminated serious strikes—a fact which the author neglects to mention. A wide-spread disturbance of

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this kind is now embarrassing the colony. There has developed a powerful labor federation—a sort of antipodean I. W. W.—which is strongly opposed to state arbitration. But on the whole the conciliation boards and the arbitration court have promoted industrial peace. What is of greater importance, they have improved the condition of the more defenseless class of workers. The land laws have promoted small farming and have assisted in building up a body of independent land owners. The government system of loans to small borrowers, whether farmers or artisan home-builders, has improved the social condition and economic welfare of people of small incomes, without imposing undue financial burdens upon the public treasury. The state railways give as good and as economical service under the conditions prevailing in New Zealand as we can reasonably suppose would be provided by regulated private railways. The various forms of government insurance have been successful. If, in the eyes of many, this legislation has been radical, it has at least justified itself in the minds of those who live under it. No country is going the pace to economic ruin, where the total production is increasing more rapidly than the population, and where this wealth is being distributed at least as equally as anywhere else in the world. In New Zealand the public-savings-banks deposits average about $70 per capita, and there are two savings accounts for every family of five in the country. For a population not much in excess of a million, there are 80,000 farms under cultivation. The land records disclose more than 90,000 owners of town and city real estate.

But these results have been obtained in a fertile and sparsely populated agricultural country, whose products are easily marketed in Europe and are rapidly rising in value. They have been won by a people of almost unmixed British stock, descended from the very best rural classes of Scotland and England. Such a country cannot profitably be compared with countries like modern England and Germany and the United States, with their complex industrial and population problems. But this comparison Mr. Lusk constantly insists on making. If any parallels are to be drawn between conditions in New Zealand and those in America, either in the interest of a general propaganda in favor of particular social theories or for the sober purposes of economic criticism, attention should be directed to selected states of the Union—such as Iowa, Kansas or Wisconsin. Even then such comparison is necessarily subject to many qualifications.

VICTOR S. CLARK.

THE CARNEGIE INSTITUTION OF WASHINGTON.

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An Introduction to Political Parties and Practical Politics. By P. ORMAN RAY. New York, Charles Scribner's Sons, 1913.—xiii, 493 pp.

A few years ago Ostrogorski drew attention to the neglect of political instruction in this country and the consequent absence of a critical and discerning spirit among the electors. Such instruction as there was had a formal character, he complained; it was concerned almost exclusively with the anatomy of the body politic—with constitutional law. Since Ostrogorski wrote, a marked change has come about, a change made possible by the appearance of textbooks to which the teacher, unacquainted with the practical workings of government, could look for guidance. To the very limited number of such books Professor Ray has made a valuable addition.

His field is a limited one, since comparatively little attention is given to the functioning of the parties within the organs of government. The book falls into four divisions. The first (74 pages) deals with our present-day national parties, giving much attention to the platforms of last year and devoting what seems a disproportionate amount of space to the Socialists; the second (98 pages) deals with nominating methods; the third (101 pages), with campaigns and elections, including a short description of party organization; and the fourth (204 pages), with "The Party in Power:" machines and bosses—which might better have come under party organization perhaps—the spoils system and civil-service reform, responsibility of public officers, practical politics in legislative bodies and remedies for legislative evils. A refreshing originality is shown in the arrangement of materials. Throughout the book, and perhaps especially in the chapter on party finance, the author presents much interesting information gathered from periodical literature, of which abundant use has been made. At the end of each chapter appears a list of topics suitable for class reports, collateral reading or informal discussion; and the bibliographies are extensive. It might be noted that the date of publication, while always given in the case of magazine articles, is frequently omitted in the case of books. The text itself is well constructed. Students who come to the subject without much previous reading and without any systematic observation of current politics will appreciate Professor Ray's directness and clarity of exposition. It was mainly with the idea of meeting their requirements that he wrote. At the same time a volume so well equipped for that purpose will appeal to other students who wish to become acquainted with the more specialized literature.

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In any attempt to expound existing practice in the nation and the forty-eight states, mistakes must occur. The mass of facts, subject to constant change through political and legislative action, is overwhelming. Professor Ray has wisely refrained from weighting his book with details which, even if accurate today, may tomorrow be a matter of antiquarian interest. He has chosen judiciously a few concrete illustrations and has pointed the way for those whose thirst after knowledge is still unsatisfied. Nevertheless, a number of minor inaccuracies may be detected. Thus Iowa is mentioned as the only state which resorts to a nominating convention when candidates receive less than a certain percentage of the direct primary vote (page 106); an existing provision of the New York election law is supposed to have been changed in 1911 (page 109); the fact that the Colorado law respecting campaign contributions has been declared invalid is overlooked (page 219); and Rhode Island is still supposed to withhold the veto from the governor (page 417). The errors are usually such as one would expect from the difficulty of keeping abreast of recent occurrences. There is always a temptation to rely on writings which are already out of date. Thus Professor Ray takes his description of state committees from an article published in 1904; and nothing is said of recent developments except that "in states where the convention system has been abolished, as in Wisconsin, some other method is employed."

Such defects are not, of course, of a serious nature. The book fulfils admirably the purpose for which it was designed. Written by one who understands the requirements of the class-room from the standpoint of the student and of the instructor alike, it will help to promote the study of politics in our colleges and the development of a robust civic spirit.

E. M. SAIT.

Organized Democracy: An Introduction to the Study of American Politics. By FREDERICK A. CLEVELAND. New York, Longmans, Green, and Co., 1913.—xxxvi, 479 pp.

It is a task of no mean proportions to present a composite picture of democracy as it is organized in the United States—a picture that will portray at once the structural basis upon which that democracy rests and the dynamic forces of its functioning. More especially is this true when one essays not only to depict our complexly organized democracy in operation today but also to trace the historical evolution of its many intricate parts. Such a task, however, has Dr. Cleveland undertaken,

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bringing to it the combined qualifications of scholarly fitness and training, and of insight and point of view acquired from years of public and semi-public service.

This book is in part a revision of an earlier and less pretentious study entitled *The Growth of Democracy in the United States;* but a large amount of additional material has been introduced, and the entire subject has been treated with new vigor and, perhaps it may also be said, with new vision. Briefly outlined, the book describes: first, the evolution of the basic principles upon which American democracy is founded; second, the rights, duties, and obligations of citizens both as individuals and as coöperative units; third, the evolution and present constitution of the electorate and the legal and actual conditions under which it operates; fourth, the utilization of the electorate in the making of constitutions and statutes; fifth, the means available for holding law-makers and public administrators responsible to the electorate; and finally, the newer agencies by which it is hoped that our democracy is being, or may be, made more effective.

This is a large undertaking—one which, if it does not positively invite, certainly lends itself readily to, superficial treatment. But happily Dr. Cleveland has chosen to treat his subject profoundly, with the result that he has written a volume containing much of institutional history, much of political philosophy, much of constitutional law, much of the statutory law commonly included under the generic term of "reform legislation," and much of practical politics. Such a study must naturally contain much that is familiar. The author has, perhaps justifiably, made generous use of the work of others. His volume, however, contains also much that is new; and therein lies perhaps its chief value. It may be that there is a distinct advantage in bringing into juxtaposition between the covers of a single book the older and the newer forms and methods of a democracy that has been struggling always toward the goal of better self-expression. It is axiomatic that institutions can be understood and appreciated only against the background of history. But it is open to question whether Dr. Cleveland, in his effort to give completeness to the several parts of his study, has not introduced numerous discussions that are very nearly irrelevant and whether he has not in consequence vastly complicated the problem of linking and correlating the old with the new. Thus it is difficult to see why, under the general caption "Provisions for Making Citizenship Effective," an entire chapter of sixteen pages should be devoted to a discussion of the elementary principles involved in such constitutional guarantees as those securing freedom of speech,

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of the press, and of religion, and the right to petition, to carry arms, and to assemble (Chapter VIII)—rights which are largely, though perhaps not entirely, ones of historic interest, and which are in any case, rights not of citizens as such but of persons. One marvels to find these same rights again considered in a chapter dealing with the subject of constitutional restraints upon legislative action (Chapter XXIX)—a subject which is at best related only remotely to the general topic under review, that of "Provisions for Making Public Officers Responsible and Responsive." Again it is somewhat difficult to follow the logic of a chapter entitled "Direct Participation of Citizens in Acts of Government." This deals with topics ranging all the way from the inequality of opportunity afforded to the poor litigant in civil actions, through the elementary principles involved in the remedial writs of the injunction, mandamus, and quo-warranto, to the coöperative use made of citizen committees by the Wisconsin Industrial Commission. Here it pauses for a moment to discuss the legal right of the citizen to make arrests, and closes with a few pages devoted to bureaus of municipal research. One can but regret that a book which contains here and there so much of real interest and of value, shows evidence of so little judgment in respect to arrangement and sequence of topics and devotes so many pages to commonplace discussion of comparatively unrelated matters with which any fairly well-informed reader is already familiar.

Although there are throughout the book interesting chapters or passages dealing with many phases of modern democracy, perhaps the most interesting part of the volume is to be found in the last twenty-eight pages. Here Dr. Cleveland asserts his belief that the problem of our democracy at present is not so much one of governmental organization as one of methods by which the public may secure information as to the manner in which public officials are fulfilling their trust. And he believes that the instruments which must be installed are (1) a budget, (2) a balance sheet, (3) an operative account, (4) a detail individual efficiency record and report, (5) a system of cost accounts, and (6) a means for obtaining a detail statement of costs. Here are indeed subjects upon which the author could have given us much enlightenment. It is unfortunate that he elected to treat them so meagerly.

Inevitably some of Dr. Cleveland's expressions of opinion are open to criticism. For example, in connection with his advocacy of a national budget, he says that if Congress reject the budgetary plans submitted by the president, "then the executive has the right to veto

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the action of the legislature which comes to him in the form of an appropriation bill"; and further that "in case the veto is overruled, then the chief executive has the right to refuse to execute the mandate and go back to the people on the issue." This is strange doctrine indeed. What is the nature of the "right" which the president enjoys to refuse to execute any law? It is certainly not a legal right; and although it would be difficult to reach the president himself by judicial process, it would be a comparatively simple matter to compel the enforcement of the law by every officer subordinate to him. This impracticable proposal only serves to emphasize the futility of any proposal for fundamental budgetary reform which does not rest upon vesting in the executive a larger element of *legal* control in the determination of governmental expenditures, unless, perchance, we are sanguine enough to believe that Congress will voluntarily pass over to the president a power which to the individual member is now pregnant with personal political significance.

HOWARD L. MCBAIN.

COLUMBIA UNIVERSITY.

A Treatise on the Laws Governing the Exclusion and Expulsion of Aliens in the United States. By CLEMENT L. BOUVÉ. Washington, John Byrne and Company, 1912.—xxvi, 915 pp.

It is a strange circumstance that no comprehensive work has heretofore been published regarding that branch of our public law which governs the right of aliens to enter the United States and the power of the government to deport unnaturalized aliens already residing here. Mr. Bouvé has rendered a great service to the legal profession and to the country at large by presenting this valuable pioneer work. By express statutory provision important powers involving the interests of millions of persons, including even the decision of disputed claims to citizenship, are delegated to the theoretically non-reviewable action of mere administrative officials. Since these officials are often without legal training even, they have especial need of such guidance in knowing and applying the law relating to their duties as can be furnished by an able and impartial lawyer like Mr. Bouvé. The absence of any such work heretofore has made it possible for the rights of aliens with respect to exclusion and deportation to be left largely to the individual caprice of the inspectors, whose decisions must necessarily be more influenced by the attitude of their temporary immediate superiors than by the "law of the land."

Mr. Bouvé has divided his work into six chapters, entitled respec-

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tively "Power and Methods of Exclusion and Expulsion" (148 pages), "The Existing Immigration Law" (172 pages), "Status (of Aliens)" (156 pages), "Judicial Review of Administrative Decisions" (70 pages), "Evidence" (67 pages) and "Deportation Procedure" (71 pages). In an appendix he reprints important foreign statutes regarding expulsion and exclusion of aliens, our Chinese Exclusion Laws, the present regulations for enforcing these laws, the White-Slave Traffic Act of 1910 and the Philippine Commission Acts on the subject. Attention is given in the text to the General Immigration Laws and their construction, and to the Chinese Exclusion Laws. The section dealing with "Status" contains important contributions to the law regarding citizenship, naturalization and expatriation. The grave conflicts in judicial decisions upon many of the points involved have led Mr. Bouvé in a number of instances to make valuable criticisms of judicial opinions. These conflicts are often due to the failure to notice judicial precedents, for in the large majority of the cases here involved, the limited means of the aliens have prevented them from securing competent legal assistance, while trained experts have opposed their contentions on behalf of the government.

It is to be regretted that Mr. Bouvé has confined himself so closely to the *judicial* decisions construing these statutes, and has so largely ignored the administrative rulings. The percentage of cases which reach the courts is of course infinitesimally small, and even then the provisions which the courts are called upon to construe are seldom the ones under which the overwhelming majority of exclusions take place, as for example the "likelihood to become a public charge" clause, the clause excluding persons "certified as being mentally or physically defective" where the defect "may affect the ability of such alien to earn a living," and the "assisted immigrant" clause. The published volumes of *Treasury Decisions* contain several hundred useful, able (though forgotten) rulings under the immigration laws, prior to the creation of the Department of Commerce and Labor. These have been slightly amplified since by a few important printed *Decisions* of the latter department and *Opinions of the Attorneys General*. Yet practically none of these is even cited by Mr. Bouvé. Though he observes that congressional reports on immigration and congressional debates often throw valuable light on the meaning of these statutes, one fails to find even a list of these, much less citations of important ones in connection with the provisions of the law to which they related. It is to be hoped that a future edition will also contain the "regulations" promulgated under the General Immigration Laws, which are of far more general value than

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those under the Chinese Exclusion Laws, which Mr. Bouvé reprints, and also that the text of the various earlier immigration laws be reprinted for convenient reference, and that the index be unified. The student will, however, find these various immigration laws collected in Volume 39 of the *Immigration Commission's Reports* (Senate Document, 61st Cong., 3rd Session, Doc. No. 758), entitled "Immigration Legislation," together with an interesting historical review of our immigration legislation.

MAX J. KOHLER.

NEW YORK CITY.

Constitutional Law. By JAMES PARKER HALL. Chicago, La Salle Extension University, 1911.—xiv, 457 pp.

The difficult task of presenting to the layman a brief but comprehensive exposition of the constitutional law of the United States, with simplicity and yet with scientific accuracy, has been admirably accomplished by Dean James Parker Hall of the Law School of the University of Chicago in the 375 pages of text of his volume under review. The work was written originally as volume one in a series entitled *American Law and Procedure*. This series was evolved under the general editorship of Dean Hall and was designed primarily for the general reader. The author was in no way responsible for the subsequent purchase of the series and the use of the volumes comprising it as text books for teaching prospective lawyers by the correspondence method—a method which he firmly believes unsatisfactory as a means of professional training. His work is to be judged, therefore, entirely from the standpoint of the general reader. Viewed in this aspect, it commands unqualified approval.

The work is divided into three parts. In Part I, which comprises 49 pages and is entitled "General Conceptions," the author treats briefly the nature of constitutional government, the distinction between written and unwritten constitutions, the historical background of the Constitution of the United States, the method by which constitutions are made and amended, the separation of powers and the partition of authority between the state and the national governments. He then discusses the fundamental question of the function of the judiciary in the enforcement of constitutional provisions. The practice in England and on the continent is referred to as an indication that the interpretation and enforcement of constitutional guarantees is not of necessity the function of the judiciary. The colonial practice is properly regarded as not involving final judicial power over a coördinate legisla-

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tive body and as furnishing no authoritative precedent for the exercise of a similar power after the colonies became independent. But after observing that the colonies had seen colonial laws occasionally declared void by the courts, the author concludes:

> To the conservative classes of the community, which at that time had a strong controlling influence, this seemed a wise and sensible means of enforcing constitutional guarantees of security of property against the possible excesses of a legislature chosen by popular suffrage. So, on the adoption of the state constitutions, the courts tacitly assumed the function of interpreting the constitution for the legislature, and this was generally acquiesced in, though not without some opposition.

Professor Hall thinks that it is likely that the convention expected the courts to exercise this power, and quotes Hamilton. Disagreeing with the reasoning of Marbury *v.* Madison, he concludes that the true reasons for the American practice are political. He feels that it is desirable that the power be exercised by some authority other than that upon whose actions restrictions are placed in the interest of individual rights, and he believes that usurpation is best avoided by giving this power to that department of government which is politically the weakest. The author feels, however, that the judges should not exercise this power according to their individual social or economic views and insists that statutes should be sustained if they can reasonably be thought constitutional. He quotes judicial utterances which accord with his views, but makes no attempt to discover how far they are applied in actual practice.

Part II is entitled "Fundamental Rights" and deals with that part of the constitution which Professor Burgess calls the constitution of liberty, as distinguished from the constitution of government. Sixteen pages are devoted to a discussion of the history and scope of fundamental constitutional rights, 30 pages to laws impairing the obligation of contracts, 20 pages to protection to persons accused of crime, and the same space is accorded to a treatment of political rights, including the subjects of citizenship, naturalization, suffrage, freedom of speech and of the press and the rights of assemblage and of petition. Under the head of due process of law and equal protection of the laws, 20 pages each are given to questions of procedure and to the subject of eminent domain, 25 pages deal with the police power, and 40 pages with the subject of taxation, subdivided under the heads of jurisdiction, public purpose and classification of objects for taxation. The fine sense of proportion and of relative values displayed in Part II is equally characteristic of Part III, which is entitled "The Federal Government."

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Here we find a presentation of the law relating to territories and dependencies, the relations of the states to each other and to the United States, the jurisdiction of the federal courts, and the various powers of Congress, with special attention to the regulation of commerce. The division of each chapter into sections and sub-sections is done with a skill which makes it simple for the reader to find what he wants to know and to know what he finds.

The accuracy with which the author has handled his material deprives the reviewer of any opportunity for detailed criticism. The work throughout displays a happy blending of general statement with explanation and with concrete illustration. A word of caution must be given, however, lest the reader presume too much from the simplicity and lucidity of the author's exposition. It leads one to infer that the decisions of the courts have given us a body of constitutional law much more compact and consistent than it really is. Its intricacies can properly be apprehended and solved only by a close analysis and comparison of the decisions themselves.

THOMAS REED POWELL.

Oxford Studies in Social and Legal History. Edited by PAUL VINOGRADOFF. Vol. II. *Types of Manorial Structure in the Northern Danelaw.* By F. M. STENTON. *Customary Rents.* By N. NEILSON. Oxford, Clarendon Press, 1910.—iv, 315 pp.

The two monographs contained in this volume of the *Oxford Studies in Social and Legal History* are the result of detailed and painstaking examination of the original sources. They constitute a valuable contribution to the subject which the learned editor has in a very special sense made his own—the history of English manorial institutions. Each of the essays is accompanied by an excellent apparatus of footnotes in which the reader will find full citations of the original materials and many quotations from them.

In *Types of Manorial Structure in the Northern Danelaw* Mr. Stenton devotes his attention to the counties of York, Derby, Nottingham, Leicester, Lincoln, and Rutland. Although he has carefully examined and skilfully used Anglo-Danish charters and early twelfth-century documents, the entries in Domesday Book constitute his chief materials. His monograph is particularly welcome as a further indication of the increasing attention now being paid by historical scholars to the study of Danish influences upon English mediæval institutions. In furnishing us with the basis for a comparison of the growth of the

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manor in the counties of the Danelaw and in the counties of the South and West of England the author has distinctly added to our knowledge of the Danish contribution.

In the first part of his essay (pages 3–55) Mr. Stenton indicates the main distinctions between the berewick and the soke, the two recognized types of subordinate tenement. Attention is devoted in the second part (pages 56–91) to the various forms assumed in the Danelaw by the manorial organization as a whole. At the very beginning of this part of the monograph Mr. Stenton recognizes that a difficult problem confronts the investigator, namely, the problem as to the exact meaning which the Domesday scribes attached to the term *manerium*. We are inclined to agree with the author in his conclusion that, for the present at least, the question must remain insoluble in detail. Certainly the present tendency of scholars is to deny that the term really had any technical meaning to the scribes of the Great Survey; and this view may ultimately prevail as the correct one (*cf.* the results of Liebermann's recent researches contained in his *Gesetze der Angelsachsen*, ii, second part, 1912, s. v. *Herrschaftsgut, Lehnwesen*). Further on in his second part the author expresses the opinion that, although the distinction cannot be applied with rigor in relation to individual estates, "any classification of the maneria of the Danelaw must recognize the essential distinction between the seignorial bond which united manor and sokeland and the proprietary bond which united manor and berewick" (page 61). Another special feature of this part of the essay is the author's inquiry as to how far it may be possible to trace the forms of manorial organization known to the Danelaw back into the period before the Norman Conquest (pages 71 *seq.*). The texts bearing upon this matter are few in number and of inferior quality. "Their peculiar value for us consists in the fact that they throw a faint light upon the early history of what is perhaps the most remarkable group of estates in the whole Danelaw—the ancient demesne of the Peak of Derbyshire" (page 72). Several particularly interesting pages are devoted to this subject (pages 72–77). In conclusion it may be said that Mr. Stenton's essay will be of help to students of manorial history in pointing out questions of difficulty which the learned author does not attempt to solve (see *e. g.*, pages 77, 90–91).

Miss Neilson's essay on customary rents will be welcome to all interested in court rolls, cartularies, and extents. Difficult indeed is the task of one who would make his way through the maze of mediæval customs. But his task will be the lighter by reason of the existence of

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the present monograph; for it provides the investigator with certain guiding principles.

Miss Neilson has approached her subject from the point of view of the student of records rather than from that of the student of languages. Philological studies are of great importance in dealing with such a subject as the one chosen by the author; and we cannot but regret that they have not been given full scope in the preparation of the monograph. But, even though the author does not claim to have attacked her problem from the philological side, it is certain that the future investigator who studies the subject avowedly as a philologist will be helped in his work by reading the present essay; for he will receive from its perusal many hints as to the meaning of words and phrases in the texts.

The monograph is divided into an introduction (pages 5–14) and eight chapters (pages 15–201). The eight chapters are concerned respectively with food-rents; rents commuting labor services; rents paid for pasture and estover rights; condition-rents; miscellaneous rents; royal rents, administrative; royal rents, judicial; church-rents. At the end of the monograph will he found a table of rents paid from geldable land as they appear in the hundred rolls.

In the chapter on condition rents the writer discusses a "group of rents of great interest in illustrating the tests in common use to determine a tenant's probable freedom or unfreedom" (page 86). Liability to the payment of these condition rents was "considered as generally indicative of villeinage, as establishing at least a presumption in favor of villeinage." Miss Nielson concludes that of the three most common condition rents, *heriot*, *merchet*, and *leirwite*, the *heriot* was "probably the least characteristic as a test of villeinage, because it was paid in a fairly large number of cases by men who were not villeins" (pages 87–88). *Merchet*, on the other hand, "was more generally characteristic of villeinage than *heriot*, and yet it, too, was occasionally paid by freemen" (page 89).

In the preface to the present volume Professor Vinogradoff writes:

> Miss Neilson has tried to provide students of mediæval antiquities with a basis for classifying and comparing the various rents in kind and payments in money which were imposed upon the population. It is only through systematic comparison that we are able to understand the meaning of many terms and the incidence of the burdens indicated by them. The labor of taking stock of parallel illustrations and of studying the context in instances which for some reason have been described in a more or less explicit manner is a necessary complement to work based on the intensive study of some isolated groups of evidence [page iii].

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In thus furnishing students with this basis for a classification and comparison of the many rents paid in kind and in money, the author has been fully successful.

HAROLD D. HAZELTINE.

EMMANUEL COLLEGE, CAMBRIDGE.

Studies in the History of English Commerce in the Tudor Period. By A. J. GERSON, E. V. VAUGHAN and NEVA RUTH DEARDORFF. With an introduction by EDWARD POTTS CHEYNEY. Philadelphia, University of Pennsylvania Publications, 1912.—xi, 344 pp.

Monographs upon the great trading companies of Tudor times should be welcomed in many quarters. The log-books of their pioneering voyages enlighten the science of historical geography; the letters and instructions of their agents illustrate how much of international diplomacy found its impulse in the needs of private trade; their bills and records show the new ways of commerce in the sixteenth century—its extent, hazards, commodities, methods of exchange; and the anatomy of their organization is particularly interesting to us who belong to a nation whose beginnings are largely due to the trading ventures of corporations such as these. Indeed, it is now asserted that most of the forms of our social and political organization find their origin in the relations of the manor or the corporation. This recent volume of three dissertations treating the Muscovy and Eastland Companies is therefore acceptable, not only because of its own merits but also because so few studies of such subjects have been undertaken, in spite of the fact, as Professor Cheyney points out in his introduction, that "nowhere did the vigor of the English people during the Tudor period show itself more clearly than in the field of commerce" (page ix).

Dr. Gerson and Dr. Vaughan, writing on the history of the Muscovy Company, present the best account we have of the beginnings and early growth of that interesting pioneer of the English joint stock trading enterprises. For the setting of this movement in the history of the times and the ups and downs of its career upon the financial market, one must still go to Professor W. R. Scott's large work on the *Joint Stock Companies to 1720*, since the present work concerns itself chiefly with the organization of the "society" and the story of its hard and hazardous ventures through the frozen seas, up the rivers into Russia and across the Caspian to the rich cloth markets of Persia. The value of Dr. Gerson's study lies chiefly in the light it throws upon the beginning of international relations between the England of Mary and Elizabeth and the Russia of Ivan Vasilowitch—a picturesque story which

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reminds one of the diplomacy of big business in the latter days of European railroad syndicates in Asia. The Terrible Czar, hedged in by enemies from the Black Sea to the Baltic, was willing enough to encourage any means by which he might avail himself of the improvements of the West, and so granted generous concessions, to the disgust of his courtiers who like their descendents in the time of Peter the Great desired to maintain Russia's "splendid isolation." The attempts at English alliance are recounted with almost wearying detail. A well-planned chapter is devoted to the relation of the English government and the company—loans which left the company almost bankrupt, restrictions that presage the principle of the Navigation Acts, delicate questions of contraband and huge purchases of cordage with payment long delayed. Owing to the loss of records in the fire of 1666, this account, like the rest of the dissertation, must be based chiefly on Hakluyt, George Tolstoy, the State Papers and the Hatfield House Manuscripts.

Dr. Vaughan concentrates attention on the trade of the Muscovy Company in Asia between 1557–1581, the expeditions under Anthony Jenkinson, Arthur Edwards and other English factors. The story of these dealings with the uncertain rulers of that far-away region is reminiscent of the accounts of Marco Polo. The interest gathers around the rivalry between English, Tartar, Turkish and Venetian merchants and the tortuous commercial diplomacy by which each fought to outwit the other. The shifting policy of the Shah, and the dangerous and fatiguing route from English markets contributed in nearly equal share to the abandonment of Persian trade. But, as Dr. Vaughan says, "Though they had failed in their purpose, the factors of the Muscovy Company are worthy of remembrance for their struggle of twenty years to found such an Asiatic trade. It is a struggle that called for the same qualities that Englishmen were showing elsewhere and to its leaders belongs a place in the list of those explorers and traders who have made the epoch so noteworthy" (page 210).

Dr. Deardorff's study, which is the best in the volume, is entitled *English Trade in the Baltic During the Reign of Elizabeth* and is for the most part a history of the Eastland Company. Though the work will not entirely supersede Miss Maud Seller's introduction in her volume of *Acts and Ordinances of the Eastland Company*, it is, for the period it covers, much clearer, more judicious and very much better written. The connection between the claims for indemnity for loss by English pirates and the formation of the company to conduct English trade in the Baltic is here for the first time set forth with anything like

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clarity. The organization of this company, its relations with the government in the matter of naval stores and the intricate and long-drawn diplomacy by which it was finally able to establish a post at Elbing, in spite of its rivals, the Dantzigers, all find adequate treatment.

The volume is equipped with a convenient index, and to each of the studies is appended an informing bibliographical note. Though the style of the authors is acceptably clear and direct, the book would have have been more intelligible to the general reader had the introduction undertaken to orientate him more fully with other economic factors of the period. It would have been well to have shown the relation of these great enterprises to the development of the gilds—merchant on the one hand and medieval partnership on the other—and to indicate the influence of the economic reconstruction that followed the dissolution of the English monasteries. There was also excellent opportunity to point a contrast between a regulated company like the Eastland and a joint-stock company like the Muscovy. But even without this background the book is a worthy contribution to the literature of business and diplomacy. Its publication leads us to hope for a like careful treatment of the score of other minor English companies of the sixteenth and seventeenth centuries.

DIXON RYAN FOX.

COLUMBIA UNIVERSITY.

The Making of Modern England. By GILBERT SLATER. London, Constable and Company, 1913.—xi, 308 pp.

In the last four or five years English historiography has been enriched by a number of studies which have done much to take away the reproach that the country of the Industrial Revolution was the last to awaken to the importance of economic and social factors in history. The London School of Economics has been responsible for most of the new output, although the newer universities, especially Manchester, have also played their rôle. Oxford, at least so far as the older colleges are concerned, seems to have awakened to a view of the wider horizons only when they are at the safe distance of six or seven centuries. But alongside the ancient foundations, a college of the industrial democracy, which nestles down inconspicuously in an obsolete lumber yard and appropriately bears the name of Ruskin, is contributing at least its share. Seldom has there appeared a school history more deftly written than the little *Introduction to English Industrial History*, by the vice-principal, Henry Allsopp (Bell and Sons, 1912); and now the principal, Dr. Slater, contributes a valuable survey of England in

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the nineteenth century, written for the thinking "workers" and other thinking men and women.

This volume has in a marked degree the qualities of clarity, breadth of view, clear perspective and concise, convincing narrative, which were conspicuously lacking in Dr. Slater's earlier work on Enclosures. Each chapter covers a phase in the evolution of modern England, and sums up the situation so that one has one's bearings throughout. The book starts with a survey of the condition of England after Waterloo. Then follow chapters upon the rural and the urban workers, the awakening of reform, and the struggle with defenders of the old order. Then a group of chapters deals with the changes of the thirties, reform with its hardships for the unrepresented proletariat, the new Poor Law with its unrelenting conditions and the futile Chartist and Labor Union movements of protest, contrasted against the success of the capitalistic Anti-Corn Law League. The narrative follows similar topics down to the present.

It should be clear that Dr. Slater is writing the history of the structure of society, or at least of the external effects of movements and forces. It is not social history in the strictest sense; it does not depict the common life of the people, except incidentally. It deals with the formal and definite manifestations of democracy rather than with the inner and more human side. There is no lack of sympathetic treatment of the oppressed workers, but the book is planned rather to acquaint the citizen of today with the true meaning of the vital questions of the hour by means of a knowledge of their evolution, than to entertain the sentimental reader with stories of tragic interest tinged by distance with the ineffectual glamor of romance. Blue Books furnish the main source. The works of the Webbs and their associates have been drawn upon to the full. There is little that can be called the contribution of original research. Yet so slightly is this field known by students of political history that there are a dozen places at least where he will find his old-fashioned views contradicted by the evidence of the sources. The treatment of the "reform" of the poor law, and of the local government acts are examples.

The canny spirit of the author and the way in which past movements throw light upon those of the present may be illustrated from the judgment passed upon the violence which forced Wellington to yield to the first Reform Bill (page 96):

> It may have been a fact that he was driven to the conclusion by his recognition of the excited state of the country. On the other hand, I think it is equally clear that the impression made by such violence as appeared, was

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mainly due to the fact that it took place in spite of the efforts of the leaders of the Reform party to prevent disorder, and that these efforts were, as a rule, successful. Hence it would seem evident to observers of the time that very much worse things would be likely to happen if once the party of reform was satisfied that it could not succeed by constitutional methods. So far as we can draw a lesson from the experiences of the country from 1815 to 1832, it would appear to be that political effect depends not upon any actual violence, but rather upon the evidences of intense emotion among those who are capable of effective violent action, combined with restraint.

The bearing of this upon syndicalism and feminism, which are treated at the close of the book, is sufficiently evident. Dr. Slater has met the demand of Polybius that history should be pragmatic without being distorted.

J. T. SHOTWELL.

Sir John Robert Seeley: Eine Studie über den Historiker. By ADOLPH REIN. Langensalza, Herman Beyer und Söhne, 1912.—xii, 112 pp.

Perhaps more than any other Englishman of recent times Seeley combined in himself the qualities of historian and political scientist. This duality in his character and work is clearly and forcibly set forth by Dr. Adolph Rein in his excellent monograph on Kingsley's successor as Regius Professor of Modern History at Cambridge. Based upon a very careful and scholarly study of the historian's life and writings, the monograph contains a trustworthy account of Seeley's career and a critical estimate of his work as historian and political thinker and of his personality. At the end of the essay are lists of Seeley's writings and of various publications relating to his career, works and character. Dr. Rein writes with real insight into Seeley's aims and with a true appreciation of his accomplishments; and he paints a picture of the man and his life-work which will be studied with enjoyment and profit by all interested in a remarkable personality. Seeley owed more to von Ranke than to any other historian. Like his German master the English scholar viewed history as concerned chiefly with the life of states. His three great works—the *Life and Times of Stein, or Germany and Prussia in the Napoleonic Age*, the *Expansion of England*, and the *Growth of British Policy*—all deal with the political history of modern times. In them one sees very clearly that Seeley's aim is always to use the results of his historical studies in directing present-

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day political thought. His interest in history is the interest of a political scientist. This position was emphasized in a practical educational way when, upon the establishment of the Historical Tripos at Cambridge, the Regius Professor maintained that a prominent place in it should be devoted to political science. His own words express his view: "For in history everything depends upon turning narrative into problems." "It is to those who grapple with the problems of the time that I would say a few words." "I throw out questions." As his friend Dr. Prothero has written:

> Historical details were worth nothing to him but as a basis for generalization. In dealing with history he always kept a definite end in view—the solution of some problem, the establishment of some principle, which would arrest the attention of the student and might be of use to the statesman. Narrative without generalization had no interest for him.

Dr. Rein makes this main characteristic of Seeley's work very real and helpful. Not the least of the other enlightening features of the monograph are the author's study of schools of history and his comparisons of Seeley with other modern historians. Readers of the essay will now wish to consult Mr. Gooch's estimate of Seeley in his recent valuable work on *History and Historians in the Nineteenth Century* (pages 369–374).

HAROLD D. HAZELTINE.

EMMANUEL COLLEGE, CAMBRIDGE.

Latin America: Its Rise and Progress. BY F. GARCIA CALDERON. With a preface by RAYMOND POINCARÉ. Translated by BERNARD MIALL. New York, Charles Scribner's Sons, 1913.—400 pp.

In *Latin America*, Señor Garcia Calderon has presented an admirable interpretation of the life, the thought, the history and the problems of what he is pleased to call the Latin-American democracies. The author is a young Peruvian diplomat, well fitted for the task in hand. He is possessed of an intimate knowledge of the language, the spirit and the affairs of the Latin-American peoples and he views their problems, not from the standpoint of local prejudice, but with the larger vision of a man of the world. He is keen in the analysis of every phase of the rise and growth of the Latin-American democracies and maintains an attitude of scholarly impartiality in criticism. Though frankly acknowledging past and present shortcomings of the Latin-American race, he is generous in praise of recent progress and achievement, and is confident of the future.

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In Book I the author analyses the characteristics of the races, both conquering and conquered, which have intermingled their blood in the formation of the present peoples. He traces the development of their spirit and shows how finally through the throes of revolution the new independent democracies came into being. He sets forth the economic and political causes of this struggle, as well as the influence of French ideas, of the example of the United States and of the action of England. Brief pen-portraits of the leaders Miranda, Belgrano, Francia, Iturbide, King Pedro I, Artigas, San Martin and Bolivar enliven the narrative. Then is described the period of military anarchy, when the leaders were "regenerators, restorers and protectors" and history was but the repetition of "a revolution, a dictator and a program." Gradually this period has given way to the latest phase, when industrial development is becoming the dominant force in the history of the Latin-American states.

Believing that the "history of the South American republics may be reduced to the biographies of their representative men," Señor Garcia Calderon portrays in master strokes the characters of the *caudillos* who have dominated each of the states. The biographies of Paez, Castilla, Santa Cruz and Lavalleja, "absolute chieftains, beneficent tyrants," illustrate the evolution of democracy in Venzuela, Peru, Bolivia and Uraguay (Book II). In Mexico, Chili, Brazil and Paraguay the principle of authority, as maintained by Diaz, Montt, Dom Pedro II and Dr. Francia, has served to prevent disorder and license and has developed peoples "more stable and less liberal" (Book III). Finally, political anarchy in its worst type is illustrated by the history of Colombia, Ecuador and Central America, where revolution and assassination have held their debauch (Book IV).

The intellectual development of Latin-America is perhaps less understood than is any other phase of its history. The chapters on Political Ideology and on Literature and Philosophy (Book V) indicate the progress made in this realm and the external influences which have had play in this development. The political thinkers are presented in review with a characterization of their doctrines and an estimate of the influences they exerted. Among them "liberal idealism vanquished conservative good sense." "Liberalism, radicalism, Jacobinism; these were the various disguises of South American anarchy." The literature has been largely influenced by that of Spain, France and the classics, but despite this tutelage Latin-America is developing a new literature truly her own. He who knows South America intimately finds that "there is a strange divorce between its turbulent politics and its

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refined art." In the field of philosophy, no distinctly Latin-American type has been developed. We have only an imitation of English, German and French thought, wherein "electicism, positivism and spiritualism prevail."

In his analysis of the Latin-American spirit Señor Garcia Calderon finds that owing to the mixture of peoples the race is Africo-Iberian, rather than pure Latin. But from the standpoint of culture, "the ideas and the art of France and the laws and the Catholicism of Rome" have created a purely Latin character, whose nature is necessarily hostile to that of the Anglo-Saxon and Oriental peoples. This conclusion serves as an introduction to a consideration of the perils which threaten the integrity of the Latin-American republics from Germany, from the United States and from Japan. The German immigration to the various South-American republics, though by no means inconsiderable, is conceived not to represent a real danger. In spite of the protection given to Latin America, the tutelage of the United States is deemed a threatening influence. "*Quis costodiet custodem?*" "Which is the truth; the imperialistic declarations of Mr. Olney or the idealism of Mr. Root?" These are the questions which cause anxiety to Latin Americans. The ambitious designs of imperialistic Japan are also recognized, and the author can see no wisdom in entering into an alliance with the Orient even to offset the more impending peril from the United States (Book VI).

In dealing with the problems of unity, of race, of politics and of economics, the author points out clearly the failures of the past and gives sane advice as to the future. The accentuated individuality of the republics makes the problem of unity an extremely difficult one. Nevertheless the author regards unity as necessary and suggests a *Zollverein* as the entering wedge for its attainment. The Latin-American race is *mestizo*, but there is need of the further infusion of European blood. Political issues have been entirely personal, suffrage is only a promise of the constitution, and revolutions have been a "necessary form of political activity." To offset these conditions Señor Garcia Calderon states that "the great political transformations of the future will be due to the development of the commonwealth; new parties will appear and the bureaucracy will have to be considerably diminished." The economic difficulties of Latin America can be summed up in the word "borrow." The remedy for their bankruptcy will be found "by stimulating the development of agriculture, by creating or protecting industry, and by diminishing the bugetary charges by the reduction of useless bureaucratic employments and sumptuary expenses" (Book VII).

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On the whole the volume stands as the best interpretation of the Latin-American democracies. It is a book, which as President Poincaré says in his introduction, "should be read and digested by everyone interested in the future of the Latin genius." Although it is designed for the general reader, its merit would have been enhanced by the inclusion of a selected bibliography. Chapters on the advance in education and on the status of public opinion are needed to complete the survey of intellectual progress.

ROSCOE R. HILL.

COLUMBIA UNIVERSITY.

Social France at the Time of Philip Augustus. By ACHILLE LUCHAIRE. Authorized translation of the second French edition by E. B. KREHBIEL. New York, Henry Holt and Company, 1912.—viii, 441 pp.

This is the best picture we have of society in France in the Middle Ages, and all students and teachers of mediæval history must be grateful that it is now accessible in a well-edited translation. No historian has ever made this period so much his own as did Luchaire. The author of the greatest manual upon the early institutions of the French monarchy was also the historian of Innocent III and a master of the sources of feudalism. But one would hardly have looked for so entertaining and so freshly human an outlook as is exhibited in this volume from the specialist in research whose seminars might spend a whole term upon the analysis of a few pages of chronicle. Luchaire, however, had something of that versatile gift which characterized the work of Gabriel Monod, a trace of the "old master," which one misses in the highly trained men of the younger school in France.

The present volume is composed of a number of separate studies, each complete in itself. There is a general chapter upon the material and spiritual condition of the people—dark enough to end any lingering sentimental romanticism; one on parishes and priests, also rather severe in its judgments; and then follow in turn chapters dealing with the student, the canon, the bishop, monks and the nobility, and a lengthy consideration of chivalry. After a survey of "Courtesy and the Lettered Nobility" the book closes with a treatment of peasant and burgher, and a glimpse of the origins out of which the third estate was to rise.

As one might expect, there is little of the vague in this book. Everything is described in terms of real events. If the author wishes

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to indicate the insecurity of the times, he does so by a narrative of definite raids and pillagings. If he is dealing with the church or the university he fits into the story extracts from the vital documents. The effect is an exceedingly graphic story. To take a homely instance, a monastery complains of the castellan of Roussillon that "he broke down our fence and seized eleven cows. One night he entered our property at Verney and cut down and bound two of our servants in the woods and took three sous and six deniers away from them. The same day he took the tunic, stockings and shoes of Bernard of Mosset on our farm at Egat. Another time he killed two cows. . . ." So the account runs on. A few such examples tell us more of feudal warfare than would pages of rhetoric. The deft way in which these extracts are woven in is a source of continual delight.

The original work, of course, needs no commendation now. The translation is thoroughly well done, and the book is a credit to the editor.

J. T. SHOTWELL.

Britain Across the Seas: America. A History and Description of the British Empire in America. By ARTHUR GRANVILLE BRADLEY. London, National Society's Depository, 1912.—xv, 454 pp.

The first third of Mr. Bradley's volume on America, in the "Britain Across the Seas" series, contains the story, familiar to every American, of the founding of the American colonies, the Seven-Years War and the conquest of Canada and, very briefly indeed, the breaking away of the thirteen colonies. The author's point of view is more English than is that of the histories still used in many American schools, but he does not try to make any better case for the British government than has been made recently by many historical students in the United States.

Chapters vi to xiii, inclusive, give a rapid and not too scholarly account of Canadian development. Mr. Bradley brings out well the close connection between the British settlement of Canada and the ill-treatment of the Tories by the individual states after the close of the Revolutionary War. He also shows that the injustices then perpetrated brought their nemesis at the time of the War of 1812. It is his opinion that it was the persecution by the Americans of the men who afterwards became the United Empire Loyalists of Canada that prevented the union of Canada with the United States at the time of the later war with Great Britain. One thing that is not well brought out in this

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history is the extent to which the development of Canada was retarded by the extremely conservative elements in the Canadian population of the first half of the nineteenth century—conservative elements that included the United Empire Loyalists and their immediate descendants as well as the hierarchy of the Roman Catholic church supported by the ignorant habitants of Quebec. Mr. Bradley follows a tradition for which there is little foundation in giving the chief credit for confederation in 1867 to Sir John A. Macdonald. Although Macdonald was the man who profited most from confederation, it was only slowly and hesitatingly that he took up a policy for which Mr. George Brown and Sir Etienne Cartier had sustained the brunt of the fighting.

The final section of the book is devoted to the West Indies. While the history of these islands is not nearly so good nor so complete as that by Messrs. Lucas and Atchley in the series on the "Historical Geography of the British Colonies," it has the merit of being brief and readable. In his effort to make his book acceptable for popular reading, Mr. Bradley avoids foot-notes. Consequently he gives no authorities for any of his statements, even in cases where he contravenes commonly held opinions. Neither does he add any bibliography or list of authorities. The book is profusely illustrated and contains a number of useful maps. The style has no distinction, and it might be hinted to Mr. Bradley that he overworks the little word "but." In one short paragraph five sentences begin with "but," and of the remaining four, one begins with "yet" and another with "although." The sentences in general tend to be short and jerky, and do not flow easily for reading aloud—a test of style too little used nowadays.

A. G. PORRITT.

HARTFORD, CONNECTICUT.

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RECORD OF POLITICAL EVENTS

[From May 1 to November 4, 1913]

I. INTERNATIONAL RELATIONS

THE BALKAN WAR.—Hostilities between **Turkey** and the **Balkan allies** were suspended late in April. On the nineteenth, Bulgaria, Greece and Servia signed the armistice of Bulair (see last RECORD, p. 351); and the capture of **Scutari** by the **Montenegrins** on the twenty-third made the truce general. For a while it was feared that negotiations among the late belligerents looking toward a definite peace would be complicated by serious differences among the powers concerning the fate of Scutari. Although the European Concert had already declared that Scutari should be incorporated in an autonomous Albania, the unexpected triumph of the Montenegrins aroused a storm of pan-Slavic sentiment in Russia. It was only the determined attitude of Austria-Hungary and the loyal support of her allies that forced King Nicholas to evacuate Scutari. On May 14 the city was occupied by an international military force in the name of the new principality of Albania.—As soon as Montenegro had submitted to the powers, delegates of the Balkan allies and of Turkey opened the **Second London Conference** for the discussion of the terms of a general peace. Warned by Sir Edward Grey that the powers would not tolerate protracted deliberations, such as had wrecked the First London Conference (see last RECORD, p. 350), the Balkan diplomats came to an agreement late in May. By this **Treaty of London**, signed on May 30, it was stipulated that Turkey should surrender to the allies Crete and all territory on the European mainland west of the Enos-Midia line; that the delimitation of the Albanian frontiers and the disposition of the Ægean islands should be left to the adjudication of the powers; and that financial questions incident to the readjustments should be submitted for decision to an International Commission at Paris. —Thus, within eight months, the Ottoman Empire had been shorn of all her European possessions except Constantinople and a small tract of adjacent land east of the Maritza River. But the surprising rapidity and ease with which this result had been achieved only whetted the ambition of each of the Balkan states to secure the bulk of the spoils. On one hand, **Bulgaria** claimed the greater part of Macedonia, including Salonica and Monastir. On the other hand, **Servia** demanded a greater share of Macedonia than had been allotted to her in the Serbo-Bulgarian treaty of March 13, 1912, and **Greece** was insistent upon retaining both Salonica and Kavala, which her troops had occupied. **Rumania**, too, had long been clamoring (see last RECORD, p. 351) for a "strategic frontier" and for compensation from Bulgaria in return for her own neutrality during the Balkan War. In

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this emergency, the tsar offered his services as mediator, but was petulantly refused. Inspired with a false confidence in the prowess of their army and possibly encouraged by Austro-Hungarian machinations, the Bulgarian government drifted rapidly into a second war, this time with their former allies and with Rumania and Turkey as well. Bulgarian troops took the offensive against the Greeks in the Panghaion district and engaged the Servians in a three-days battle at Slatovo. The **new war**, thus begun on June 30, was not formally recognized until July 5–6, when Bulgaria completed the diplomatic rupture with Greece and Servia, and Montenegro declared war against Bulgaria. On the tenth, Rumania proclaimed hostilities, and almost simultaneously the **Turks** took advantage of the discord among their enemies and the withdrawal of the Bulgarian army from Tchataldja to advance in force on Adrianople. Against such overwhelming odds the Bulgarian armies contended in vain. On the north the Rumanians quickly occupied Turtukai and Baltchik and despatched a column to threaten Sofia. On the south, Adrianople was retaken with ease by the Turks on July 22. The advance of the Greeks from the southwest was more stubbornly resisted, but by the end of the month the armies of King Constantine had possessed themselves of all the important towns along the railway between Doiran and Dédéagatch and were advancing up the Struma River toward the Bulgarian boundary and the city of Sofia. Meanwhile on the west, the Servians, with Montenegrin aid, had repulsed Bulgarian attacks and closed in upon Kotchana and were preparing to descend through the Osogovska Pass upon the Bulgarian town of Kustendil and thence converge with their other allies upon Sofia. Anxious to avoid further calamities, King Ferdinand sued for peace. After a week's conference at the Rumanian capital of the representatives of all the Balkan states, except Turkey, the **Treaty of Bucharest** was signed on August 10. Rumania of course secured an extension of her southeastern frontier as far as the Turtukai-Baltchik line. Bulgaria was obliged to abandon Kotchana and Radovisht to Servia, and Salonica, Doiran, Demir-Hissar, Seres, Drama and Kavala to Greece. In making this cession, Bulgaria retained the town of Strumnitza in Macedonia and some sixty miles of sea-coast on the Ægean between the mouths of the Mesta and Maritza. The Serbo-Greek boundary was so determined by the Treaty of Bucharest that Monastir became Servian, and Vodena and Florina fell to Greece. Subsequently, Montenegro received from Servia, as compensation for assistance in the two wars, approximately a half of the sanjak of Novibazar, including Plevlye, Byelopolye, Ipek and Djakova. For a brief period it was believed that the Treaty of Bucharest, concluded without much regard to the nationalities of the peoples in the distributed territories, would be revised by Russia or by Austria-Hungary. The new arrangement, however, was upheld by France and Germany, and the Dual Monarchy could hardly demand a change after the German Emperor had congratulated Rumania and Greece upon the settlement.—It still remained for Bulgaria once more to settle with the

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Turks the status of Adrianople. Bulgaria had counted upon the powers to enforce the provisions of the Treaty of London, but now, unfriended and isolated, she was obliged to send General Savoff to negotiate a new treaty with the Porte. The Turks were not content even with the Maritza River as the boundary, but, making the most of their enemy's weakness, they compelled the Bulgarian envoy to renounce his claim to Kirk-Kilisseh and Demotika. By the **Treaty of Constantinople**, signed September 29, the Turko-Bulgarian line would follow the Maritza from its mouth to a point near Mandra and thence, passing west of Demotika, would leave both that town and Adrianople to Turkey; near Adrianople the line would bend eastward and, passing north of Kirk-Kilisseh and south of Malko Tirnovo, would terminate on the Black Sea at Sveti Stefan. Bulgaria emerged from the conflict discredited and deprived not only of Adrianople but also of the control of railway connections with Dédéagatch, her single new port on the Ægean; she also encountered considerable difficulty in clearing her Thracian conquests of irregular troops who were aiming at the establishment of an autonomous Thrace.—No sooner had Turkey reached an agreement with Bulgaria than rumors of a **Turko-Grecian** crisis received credence. Turkey was obviously eager to recover the Ægean Islands, and the Turkish envoy who had been sent to Athens in September to negotiate the final religious, racial and financial settlement in Grecian Thrace and Macedonia, was recalled before reaching any agreement. Reports at once passed current that Bulgaria, in a spirit of revenge against Greece, had agreed with the Porte to permit the passage of Turkish troops across Bulgarian Thrace in order to attack Greece. In October, reservist Anatolian conscripts were being called to the colors by the Turkish government, and, on the other side, the headquarters of the Greek army were moved to Kavala, the easternmost point of Grecian Thrace. A new war was clearly threatened between Turkey and Greece; late in October, however, direct diplomatic negotiations were resumed at Athens between the two states.—At this point it is interesting to note that according to official sources Bulgaria had lost within the year 44,892 killed and over 100,000 wounded. During the rapid Second War—that among the former Balkan allies—many civilians were wantonly slaughtered by the soldiers, and other outrages were committed; and it was especially charged by King Constantine that the Bulgarians had been guilty of the most barbarous atrocities in their treatment of Macedonian villagers. These allegations were vigorously denied by King Ferdinand who added recriminations against the Greeks and Serbs. To estimate the economic cost of the Balkan War, as well as to investigate the charges and counter-charges, the Carnegie Peace Foundation despatched an international committee to the Balkans. The committee's report was expected in November.—**Albania** occasioned a good deal of discussion throughout the summer. Montenegrin occupation of Scutari temporarily reopened the question of the proposed principality's northern boundary, which, it was supposed, had been definitely fixed on March 26 (see last RECORD, p. 351). When this

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question was really settled by Montenegro's withdrawal in May, the southern boundary of Albania was still to be determined by the powers. In a general way, the Ambassadors' Conference at London had by August 11 so far settled the Greco-Albanian frontier that it would run from a point south of Cape Stylos to Lake Ochrida, incorporating the district of Koritza in Albania, much to the vexation of the Greeks. Greek riots in the town of Koritza were not the only disturbances on the frontier of the new Albania. In the north the Hoti and Gruda tribes refused to acknowledge Montenegrin sovereignty, and the town of Tuzi was seized by Malissori tribesmen. But the most serious difficulty occurred along the Serbo-Albanian boundary. Dibra was captured by Albanian raiders on September 22, and fighting with the Servians took place as far north as Prisrend. Early in October, Isa Boletin, chief of the Albanian marauders, was taken prisoner by a Servian detachment, and the opposition speedily collapsed. That Servia should not press her advantage, Austria-Hungary presented an ultimatum at Belgrade, demanding the prompt withdrawal of Servian troops from Albania. The Servian government signified its acquiescence on Oct. 20.—With the government of Albania, as well as with the boundaries of the new state, the powers were concerned. The *de facto* government, with which they had to deal, was the provisional republic under the presidency of Ismail Kemal Bey, which, however, with its seat at Avlona, commanded slight support among the northern chieftains and tribesmen. In fact, Essad Pasha, Kemal's former minister of the interior, established himself at Durazzo as "king;" and Sir Cecil Burney, commanding an international force, governed Scutari. About the first of October, the powers set up at Avlona an International Commission of Control, consisting of six members, representing Austria-Hungary, Italy, Russia, Germany, France and Great Britain. Late in October it was announced that the powers had agreed to nominate as first prince of autonomous Albania, Prince William Frederick of Wied, a German subject and a nephew of Queen Elizabeth (Carmen Sylva) of Rumania. That the nominee should be a Protestant occasioned some surprise to the Mohammedan, Orthodox and Catholic Albanians.

GENERAL EUROPEAN RELATIONS.—The adjustment of the conflicting claims of France and Spain in Morocco (see last RECORD, p. 352) made possible the establishment of more friendly relations between **Spain** and the **Triple Entente.** The desirability of a common Mediterranean policy was suggested by King Alphonso while visiting Paris early in May. In June, M. Poincaré and the French minister of foreign affairs conferred at length with Sir Edward Grey in London, and in the following month the king and queen of Spain were entertained in England. Popular sentiment seemed to approve the presumable purpose of these visits, and a new review, *L'Espagne,* appeared in Paris, with the avowed intent of promoting intimacy with Spain. Consequently the European press professed to see in M. Poincaré's journey to Madrid, in October, something more than a

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friendly visit, more especially as the president was accompanied by General Lyautey, who, as an authority on Moroccan affairs, was expected to arrange for effective military coöperation against the Moroccan tribesmen. Although the detailed results of the interview were not communicated, M. Poincaré expressed himself as well pleased with the outcome of his visit, and it was generally assumed that Spain would henceforth work in harmony with Great Britain and France.—While the Triple Entente was gaining a friend in Spain, the Triple Alliance was cultivating the good will of the **Scandinavian** nations. In July the Italian royal couple visited Stockholm, and in the same month Emperor William and King Haakon exchanged compliments at the unveiling of the Frithjof statue, a German present to Norway. In this connection it is interesting to note that the three Scandinavian governments, already affiliated in a mint and postal union, and in an agreement by which civil judgments might be enforced in all three states, seemed to be meditating a closer union, if any significance could be attached to the visits of the kings of Norway and Sweden to Copenhagen in June.—The relations of the nations of the **Triple Entente** with **Germany** were courteous rather than cordial, in spite of the well-meant but ineffective propaganda of the Anglo-German Peace Society, which met at London, and of the Franco-German Journalists' Conference at Ghent. Although Russia and Germany were able to agree upon an international copyright arrangement, and although on the occasion of the Prussian royal wedding (see *infra*, p. 741) in May, the German Emperor received the British and Russian monarchs in Berlin, and as a compliment to King George released three British spies from German prisons, nevertheless there was no observable slackening of the military rivalry of France and Germany, nor of Anglo-German naval competition. A compliment paid the German navy by the king of Greece was taken as an insult to France by the super-sensitive Parisian journals, and French irritation was aggravated by "accidental" trespasses of German soldiers and aeroplanes on French soil. Mr. Churchill's renewed proposal that Germany and Great Britain both suspend naval construction for one year was not taken at all seriously in Germany. Indeed the spirit of **militarism** was more prevalent than ever, as was evidenced in the British imperialistic agitation, the naval recruitment bill in the Spanish parliament, Belgian army increases, Italy's twenty-five-thousand addition to her peace-footing, the preparation of a bill to raise the peace-footing of the Austrian army from 464,000 to 600,000, and the passage of the French three-year service bill. In this light the inconclusive deliberations of the Hague Peace Congress, August 20–23, on methods of enforcing arbitration, were not particularly reassuring, although the Interparliamentary Conference took a slightly more practical attitude in condemning war-loans and in approving in principle Mr. Bryan's scheme of inquiry before war.—The conspicuous failure of mediation and arbitration to settle the quarrels of the **Balkan belligerents** was due to the fact that **the powers** themselves were working at cross pur-

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poses, and that notwithstanding the repeated affirmations of Sir Edward Grey, that the "concert of the powers" remained unimpaired, there was a signal lack of concerted action. Russia, favoring the Slavic nations in the Balkan peninsula, was constantly in opposition to the Austro-Hungarian policy of weakening the Balkan States; and while Russia, France and Great Britain were endeavoring to reconcile the quarrelsome Balkan allies, Austria-Hungary rejoiced at the certain prospect of continued disunion and discontent in the peninsula.—Even within the **Triple Alliance** there was not perfect accord on the Balkan question. Austria-Hungary was somewhat offended when, instead of supporting her in a demand for the revision of the Treaty of Bucharest (see *supra*, p. 707), Emperor William made public his emphatic approval of the treaty; but the German emperor subsequently atoned for his seeming want of tact by renewed protestations of loyalty and friendship as "the faithful ally of Austria-Hungary." Although agreed with Austria-Hungary on the inclusion of Scutari in Albania (see *supra*, p. 709), Italy was inclined to be jealous of Austrian influence in that principality. Moreover, reports of anti-Italian demonstrations before the Italian consulate in Trieste evoked indignant comment in the Italian Senate, and might have engendered considerable animosity had not investigation proved them largely false.—Considerable uncertainty was felt concerning the course Italy would take in regard to the Ægean islands held by her under the provisions of the Treaty of Lausanne (see RECORD of December, 1912, p. 731), wherein it was stipulated that the islands should be returned to Turkey on fulfilment by the Porte of the conditions of the treaty. Early in September a *communiqué* published at Rome denied the reports that Italy had agreed to transfer certain of the islands to Greece, and affirmed that in accordance with the decision of the London Conference, Italy would exercise "full freedom of action" in the matter.

AFRICAN RELATIONS.—The Congo Reform Association (British), formed for the purpose of protecting the natives of the **Belgian Congo** from expropriation and enslavement, met for the last time in April, and suggested that inasmuch as the atrocities formerly perpetrated had now ceased, no obstacle remained to prevent British recognition of the Belgian annexation of the Congo (see RECORD of June, 1908, p. 381). In a speech before the Commons on May 29, Sir Edward Grey gave the suggestion official approval.—Claims for heavy compensation were preferred against **Abyssinia** for the death of a British subject, Captain Aylmer, shot on the Abyssinian frontier by a party of elephant poachers.—Late in October it was rumored, though subsequently denied, that Great Britain was about to cede the island of **Zanzibar** to Germany, in return for German East African territory.—The *rapprochement* of Spain and France (see *supra*, p. 709) was expected to bear immediate fruits in the way of more effective coöperation for the pacification of **Morocco**, by facilitating the French advance on Taza (about 50 miles east of Fez) and the Spanish punitive expeditions against the tribesmen of the Rif.

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ASIATIC RELATIONS.—After extended negotiations between the Turkish agent, Hakki Pasha, and the European governments interested in the **Bagdad Railway**, an agreement was reached in the autumn whereby the German claim to exclusive rights in the railway was admitted, while France obtained a monopoly of financial transactions in Syria.—The grant of a concession to Italy for the construction of a railway in Southern Asia Minor between Adalia and Buldur was of especial interest in the light of the increasing tendency to regard **Asia Minor** as a field for Italian enterprise.—By agreement with France, Great Britain appeared to have assumed virtual control over the **Persian Gulf**, with the ostensible purpose of checking the illegal traffic in munitions of war. In June a British force razed a village of smugglers on the Tangistani coast, the inhabitants of which had recently attacked the boats of the warship "Pelorus."—It was announced that work on the delimitation of the **Turco-Persian frontier**, the vagueness of which caused considerable trouble in 1907 (see RECORD of December, 1907, p. 751), would begin on December 15, it being understood that in return for concessions in the Zohab district, including portions of the "mountainous regions" given to Persia by the Treaty of Erzerum in 1847, Persia would receive extensions on the extreme northern and southern portions of the frontier, where Russian and Persian interests were dominant. The Persian delegates on the Delimitation Commission were Ihteshem-es-Sultaneh, ambassador to Turkey, and Itla-ul-Mulk.—Great Britain advanced $500,000 to **Persia** for the extension of police protection on the southern trade-routes; and it was announced that half of the joint Anglo-Russian advance of $2,000,000 would be devoted to the same purpose.—Russian influence in the northwestern Persian province of Azerbaijan was reported to be inimical to the treasury officials, who, under the Belgian M. Mornard, secretary of the treasury, had been less favorable to Russian than to British interests.—The five-power **loan to China**, concluded on April 26 (see last RECORD, p. 353), was floated on European exchanges, and part of the sum was paid to China. Inasmuch as the revenues of the salt-*gabelle* had been pledged as security for the loan, the Chinese government was obliged, in order to assure its creditors that interest would be paid promptly, to reform the collection of the *gabelle* and to allow the general supervision of finances by foreigners. Sir Richard Dane (British) was placed in charge of the salt-*gabelle*, M. Padoux (French) and M. Konavaloff (Russian), of the audit department, and Herr Rump (German), of the loan department. Having achieved their primary object of saddling the Chinese government with financial "advisers," the parties to the five-power agreement, which, by the way, had bound each of the contracting powers to make no Chinese loan without the consent of all, now declared that henceforth each government would be free to negotiate loans and obtain railway and other concessions for its own banks. The Chinese were delighted to learn that at last they could borrow without interference from the powers, and it was reported that two new loans were contemplated, one of $6,000,000 from

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Austria-Hungary, to be used in part for the purchase of three Austrian-built cruisers, and the other, considerably larger, for industrial purposes.—The reluctance of the Chinese Parliament to recognize the autonomy of **Outer Mongolia** resulted in July in the annulment by Russia of a proposed Russo-Chinese agreement and the declaration by Russia that henceforth Outer Mongolia would be considered an autonomous province under the nominal suzerainty of China, but according exceptional commercial privileges to Russia, and utilizing Russian mediation for its transactions with the Chinese government. The transformation of Outer Mongolia into what was tantamount to a Russian protectorate, made the Chinese government doubly determined not to abandon **Tibet** to Great Britain. Nevertheless it was feared that the outcome of the conference concerning the future status of Tibet would be unfavorable to China.—As a possible solution of the vexatious **opium question** (see RECORD of December, 1912, p. 733), the Chinese government offered to pay the freight if Great Britain would reship to other countries the £7,000,000 worth of Indian opium which the Chinese refused to import. The offer was not accepted. An anti-opium agitation was carried on in England by General Chang.—Although for commercial reasons the **Japanese** government wished to maintain cordial relations with Pekin, popular and press opinion in Japan was heartily in sympathy with the South-China rebels against Yuan Shi-kai's rule. This attitude naturally offended the government party in China, and much annoyance was caused by persistent rumors that the Japanese had secretly aided the insurrection (see *infra*, p. 750). This ill-feeling reached a climax in September, when the Japanese government, urged on by the excitable populace of Tokio, demanded elaborate reparation for the killing of three Japanese citizens on September 5 by northern troops in Nanking. General Chang Hsun, commander of the offending troops, aggravated the irritation by his slowness in making the required public apology, but finally on September 28, after a Japanese squadron had been despatched to inspire him with contrition, General Chang apologized, and had his soldiers present arms before the Japanese consulate at Nanking.—The unfavorable impression created by the Nanking incident was partially dispelled in October by Japan's prompt **recognition of the Chinese republic**, immediately after the election of Yuan Shi-kai as the first constitutional president. Russia emulated Japan's example, and recognition by other governments soon followed.

AMERICAN RELATIONS.—Owing to the disturbed condition of **Mexico** (see *infra*, p. 728) her relations with the United States became seriously strained during the summer months. Ambassador Henry Lane Wilson, who favored the recognition of Huerta and whose conduct may have been a little indiscreet, was recalled in the middle of July; and John Lind, sent as adviser to the embassy, suggested terms for the restoration of order. These terms included pledges from Huerta that a free election should be held and that he should not himself be a candidate. These suggestions were rejected. On August 27 President Wilson read before Congress a

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message in which he asserted the disinterestedness of American policy and expressed the conviction that there was no prospect of peace and order under the existing régime in Mexico. He advised the withdrawal of all American citizens. Although assurance was given that, under the Mexican constitution, Huerta could not be a candidate in the impending election, the attitude of the president did not change. By dissolving the Mexican Congress and by holding a general election on October 26 despite the prevailing disorder, Huerta made it still more difficult for President Wilson to resist the demand for intervention. The situation was exploited by alarmist press agencies, according to whose reports the powers of Europe, which by the way had already recognized Huerta, were about to intervene in disregard of the Monroe Doctrine. Color was lent to this latter statement by the sailing of the German cruiser "Hertha" to Mexico, by notices that a French cruiser would follow, and by the fact that Sir Lionel Carden, British minister to Mexico, had presented his credentials the day after the *coup d'état* (see *infra*, p. 729), seemingly as a protest against the American policy of non-recognition. Nevertheless according to official statements complete harmony existed between Great Britain and the United States. Late in October the third division of the Atlantic fleet was sent by the United States to relieve the battleships stationed at Vera Cruz. It was reported on November 3, apparently with good authority, that pressure was being exerted by the United States to secure Huerta's immediate resignation and the appointment of a successor who would not be under his control. A few days earlier, however, the president had been careful to announce in a public speech that "the United States will never again seek an additional foot of territory by conquest."—Late in April the secretary of state submitted to the diplomatic corps at Washington a plan for the preservation of international **peace**. He proposed that, where other means of settlement failed, controversies should be submitted to a commission and that during its investigation the disputants should not increase their armaments or mobilize troops. By the end of July twenty-four nations had expressed a favorable attitude. Somewhat later, treaties, based upon the proposal, were concluded with Salvador, Panama and Guatamala.—On July 19 the secretary of state laid before the Senate Committee on Foreign Relations a revised draft of the proposed treaty with **Nicaragua** (see RECORD of December, 1911, p. 740). In its new form the treaty would give the United States the right to intervene at any time to preserve Nicaraguan independence or to protect life and property. In view of this radical provision the committee refused to take favorable action. It was reported that Honduras and Salvador had declined to negotiate similar treaties. The Nicaraguan question was again made prominent in October by the announcement that New York bankers had taken up a million-dollar Nicaraguan loan and had acquired controlling interests in the national banking and railway systems of that country. In July a treaty of extradition with Paraguay was concluded.—On May 31 the arbitration treaty between the United States and

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Great Britain was renewed for a period of five years.—On May 2 the United States recognized the new Republic of China.—Early in July the persistence of California in enacting land legislation affecting the rights of aliens (see *infra*, p. 720) led to a formal protest on the part of **Japan**. Although the United States replied, on May 19, that the law in question would in no way violate treaty obligations, fresh protests were made on June 4 and September 30. The friendly spirit manifested on the part of both governments, however, promised that a satisfactory adjustment of the difficulty would ultimately be reached. On June 28 the expiring arbitration treaty was renewed.—When the forces of the **Dominican** government began to bombard the rebels in the town of Puerto Plata (see *infra*, p. 730), Great Britain and the United States sent warships to protect their interests. The conclusion of peace in October between the warring factions was at least partially due to the mediation of Mr. James Sullivan, American minister to Santo Domingo.—Some anxiety prevailed in September lest American interests in the Canal Zone would be endangered by the possible competition of a British firm under concessions from the government of **Colombia**. The same British firm, Pearson and Son, was negotiating for the privilege of prospecting for oil in **Ecuador**.—The report of the British Parliamentary Commission on the Putumayo scandal (see RECORD of December, 1912, p. 735) pronounced the British directors of the Peruvian Amazon Company guilty of grave neglect of duty, but not liable to criminal prosecution.—In June **Uruguay** and the **Argentine** Republic decided to open their ports to British live stock.

II. THE UNITED STATES

THE ADMINISTRATION.—In October the **immigration** authorities at the port of New York ordered the deportation of Mrs. Emmeline Pankhurst, leader of the militant suffragettes in England, on the ground that she had been convicted of a crime involving moral turpitude. Appeal being taken to the Department of Labor, President Wilson intervened and reversed the order. Mrs. Pankhurst was admitted upon her own recognizance with the understanding that she would leave the country upon the completion of lecture engagements already arranged.—On October 10 the Gamboa dyke, the last remaining obstruction in the **Panama Canal**, was blown away by dynamite and small boats were able to pass from Gatun Lake into the Culebra cut.—Late in July the postmaster general authorized an increase from 11 to 20 pounds in the maximum weight of **parcels** carried by post in the first two zones and a material reduction in rates within those zones. He expressed the opinion that the weight limit would eventually be increased to 100 pounds. A committee representing 264 railroads protested against the extension of the parcel post system without a revision of the payments made to them.—On May 7 President Wilson issued an order requiring fourth-class postmasters to demonstrate their fitness by taking **civil service** examinations. This order affected more than 35,000 postmasters brought

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into the classified service by President Taft (see last RECORD, p. 356).—In August a board of experts, appointed to investigate the recent floods in the Mississippi valley, recommended the assumption by the national government of control over all streams and sources of water supply.—In May the secretary of commerce, delivering an address at Washington, warned manufacturers that the government would investigate all reductions in wages alleged to be due to the new tariff.—On July 31 the secretary of the treasury announced that he would deposit $50,000,000 in the national banks of the South and West to help in the harvesting and movement of crops, accepting commercial paper as partial security. The money was to remain on deposit four or five months and be returned in annual instalments.—Among the more important **nominations** were: George W. Guthrie, ambassador to Japan; Thomas Nelson Page, ambassador to Italy; Paul S. Reinsch, minister to China; Henry Morgenthau, ambassador to Turkey; Joseph E. Willard, ambassador to Spain; Thomas H. Birch, minister to Portugal; John Purroy Mitchel, collector of the port of New York; Anthony Caminetti, commissioner-general of immigration.

CONGRESS.—The Underwood **tariff** bill, introduced on April 21 (see last RECORD, p. 359), passed the House of Representatives on May 8 by a vote of 281 to 139. Five Democrats, chiefly from Louisiana, opposed the bill; two Republicans, four Progressives and one Independent supported it. Owing to the protracted discussion of the bill by the finance committee and the Democratic caucus, debate in the Senate did not begin until July 19. Through the following weeks the free-sugar and free-wool provisions were persistently attacked, for on these points the Republicans hoped to carry certain Democrats with them. The defection of the Louisiana Senators, Thornton and Ransdell, who wished to protect the local sugar interests, and the death of Senator Johnston of Alabama, reduced the Democratic strength to 48 or a bare majority. President Wilson's attack on the tariff lobbyists, however, and the investigation which followed (see *infra*, p. 717) helped to promote solidarity. On September 9 the bill passed by a vote of 44 to 37, Senator La Follette (Republican) and Senator Poindexter (Progressive) acting with the majority. Though 676 amendments had been adopted, the main outlines of the bill remained untouched. Indeed the Senate, which on previous occasions has advocated higher rates than the House, now added numerous items to the free list and, on the average, reduced the rates four per cent. The income-tax exemption was fixed at $4000 for married persons and $3000 for others, and the additional tax was increased on large incomes. The president signed the bill on October 5 after it had been in the hands of the conference committee for two weeks. It was something of a personal triumph for him; no American tariff bill has felt so strongly the impress of executive influence.—On June 23 the president made his second formal appearance before the houses of Congress and read a message in which he recommended the enactment of **monetary legislation**, saying that he had come "as the head of the government and the responsible leader

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of the party in power to urge action now." Three days later there was introduced into each house a bill which had been framed by the president in consultation with the secretary of the treasury and the chairmen of the committees on banking and currency. With certain changes which had been approved by the Democratic caucus, the House passed the bill on September 18 by a vote of 287 to 84. Only three Democrats opposed it; 24 Republicans and 15 Progressives supported it. The bill provided for a federal reserve board consisting of seven members appointed by the president and having a large control over the functions of other bodies; twelve federal reserve districts with a reserve bank in each, the capital being supplied by national banks and such state banks as should wish to enter; the depositing of national funds in the reserve banks subject to control by the central board; and the issue of $500,000,000 treasury notes to be supplied to the members of each reserve district on the security of commercial paper. At the close of this RECORD the bill had not yet been reported from the Senate committee, where it seemed that amendments of some consequence would be made.—The Sundry Civil Appropriation Bill, prohibiting the use of certain funds for the prosecution of labor unions and farmers' associations under the Sherman Act (see last RECORD, p. 358), was signed by the president on June 23. At the same time he appended a statement explaining that other funds were available for such prosecutions and that the attitude of the Department of Justice would be unaffected.—Under the Urgent Deficiency Appropriation Bill, of October 2, the **Commerce Court** was definitely abolished (see last RECORD, p. 359), provision being made, however, for the employment of the judges in the regular courts. The bill also withdrew deputy marshals and deputy collectors of internal revenue from the operation of the merit system.—On May 26 the president issued a statement regarding "the extraordinary exertions being made by the **lobby** in Washington to gain recognition for certain alterations in the tariff bill." First the Senate, then the House undertook investigations of the lobby, which lasted through the summer months. The most striking revelations came from Martin M. Mulhall, formerly agent of the National Association of Manufacturers in Washington; but although he implicated various members of Congress, only one representative was seriously discredited.

THE FEDERAL JUDICIARY.—In September Judge Murane of Alaska was requested by the Department of Justice to resign for the good of the service.—In August the attorney-general placed before the judiciary committee of the House of Representatives charges against District Judge Emory Speer of Georgia. It was alleged, among other things, that the judge had permitted the wasting of bankruptcy estates and that he had presided in cases where the decision would affect the interests of his son-in-law. The committee postponed investigation until November. Among the more important decisions of the **Supreme Court** were the following: The deportation of a Chinaman from the Philippines by the governor-general prior to an act of the legislature authorizing such deportation is to be considered as

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having been ordered in pursuance of such a statute (Tiaco *v.* Forbes, 228 U. S. 549). The prohibition of *ex post facto* laws in the Constitution has no application to the deportation of aliens; and the power of Congress to order the deportation of undesirable aliens applies to prostitutes irrespective of the time they have been in the country (Bugajewitz *v.* Adams, 228 U. S. 585). Under the constitution of California, municipalities may construct water-works which will compete with privately-owned works built under the provisions of the constitution giving the right, subject to municipal regulation of charges, to lay mains in the streets of municipalities where there are no public works (Madera Water Works *v.* Madera, 228 U. S. 454). The subjection of a water company whose franchise has expired to the alternative of accepting an inadequate price or having the value of the plant ruinously impaired by the construction of a municipal plant does not take property without due process of law (City and County of Denver *v.* New York Trust Company, 229 U. S. 123). The property of a street railway company whose franchise to operate has expired is not taken without due process of law by requiring it to remove its tracks from the streets within a reasonable time (Detroit United Railway *v.* Detroit, 33 S. C. R. 697). A classification in a municipal ordinance by which vendors of milk drawn from cows outside the city are subjected to different regulations from those affecting vendors of milk drawn from cows inside the city is not a denial of equal protection of the laws, provided the regulations are reasonable (Adams *v.* Milwaukee, 228 U. S. 572). A Kansas law, imposing a liability of $500 and attorney's fees for every excessive charge by a carrier for shipments of oil between points within the state, takes property without due process of law (Missouri Pacific Railroad Company *v.* Tucker, 33 S. C. R. 961). The exception in favor of electric lines and street railways made in the law of West Virginia fixing a maximum rate of two cents a mile does not deny the equal protection of the laws (Chesapeake and Ohio Railroad Company *v.* Conley, 33 S. C. R. 985). A suit by a shipper to recover damages from a carrier by unlawful distribution of cars cannot be maintained in advance of a ruling by the Interstate Commerce Commission that the method of distribution is unreasonable (Morrisdale Coal Company *v.* Pennsylvania Railroad Company, 33 S. C. R. 938). An ordinance granting to a telephone company the right to maintain poles on the city streets is the grant of a property right which is assignable, taxable and alienable, and the general authority given in the city charter to repeal all ordinances is not a reservation of power to destroy contract rights (Owensboro *v.* Cumberland Telephone and Telegraph Company, 33 S. C. R. 988). The act of 1912 requiring newspapers to file with the postmaster-general a sworn statement of circulation under penalty of a denial of the privileges of the mail is not a curtailment of the freedom of the press (Lewis Publishing Company *v.* Morgan, 229 U. S. 288). An order of the postmaster-general directing the non-delivery of mail to certain persons whom he found to be using the mails to defraud is not, though quasi-judicial, subject

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to review by certiorari (Degge *v.* Hitchcock, 229 U. S. 162). The taking of property by the United States is none the less for public use when the secretary of war is empowered to lease any water power resulting from the works which the government may construct (United States *v.* Chandler-Dunbar Water Power Company, 229 U. S. 53). The owner of a legal title to land under the water has no property right therein entitling him to compensation for the destruction of oyster beds by the dredging of a channel for purposes of navigation (Lewis Blue Point Oyster Cultivation Company *v.* Briggs, 229 U. S. 82).

(For other decisions of the court see The Trust Problem and The Railroads and Labor and Capital *infra.*)

STATE AFFAIRS.—The **seventeenth amendment** to the federal Constitution, which provides for the direct election of United States Senators, was proclaimed on May 31, the Wisconsin legislature having taken favorable action upon it earlier in the month.—The sixth annual **Conference of Governors** opened at Colorado Springs on August 26, with twenty-five states represented. The subjects discussed were rural credits, state bureaus of efficiency, the expenses of primary elections and proposed changes in the structure of state governments.—During the spring and summer the legislatures of thirty-nine states were in session. Emphasis upon **social legislation** was very marked. The principle of the minimum wage found acceptance in California, Michigan, Minnesota, Oregon, Washington and Wisconsin; the Oregon law, which is compulsory, provides for an Industrial Welfare Commission appointed by the governor. Restrictions were imposed upon child labor in California, Delaware, Florida, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Nevada, New York, North Carolina and Pennsylvania. Laws providing for mothers' pensions were passed in California, Idaho, Iowa, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, Ohio, Oregon, Pennsylvania, South Dakota, Utah, Washington and Wisconsin. Ohio and Minnesota adopted workmen's compensation laws; and in New York, when the governor vetoed a half-way measure, the people adopted a constitutional amendment on November 4 which will permit the legislature to act without constitutional restraint. A number of excellent amendments were added to the New York factory laws. In North Dakota, Pennsylvania and Wisconsin, "health marriage" laws were enacted mainly with the purpose of preventing the transmission of disease.—Important changes were made in the system of **primary elections** in Illinois, Michigan, Minnesota, Ohio and Pennsylvania. The Illinois law provides for the popular election of delegates to the national conventions and the separation of the presidential preference primaries from other elections; Minnesota has adopted non-partisan nominations for the state legislature.—In June the right to vote for presidential electors and city and town officials was extended to the women of Illinois by legislative act. Under a decision of the county court the law permits women to serve as election officers.—In Michigan and Wisconsin "blue-sky" laws were passed to prevent the

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sale of fraudulent stocks and securities.—In August the **recall** was successfully invoked in Oregon City against a county judge charged with mishandling public funds, and a county commissioner indicted for violation of the excise laws. The first application of the judicial recall in California was made late in April, when a San Francisco police judge was removed from office on the ground of incompetency.—A bill prohibiting the ownership of land by aliens who have not declared their intention of becoming citizens was signed by the governor of **Arizona** on May 16.—George M. Hays, Democrat, was elected governor of **Arkansas** on July 23 in the place of T. Robinson, resigned.—The amended bill limiting the rights of aliens with respect to the acquisition of land (see last RECORD, p. 355) passed both houses of the **California** legislature on May 3, almost without opposition. Although urged by the president to withhold his approval, Governor Johnson signed the bill on May 19, asserting that the treaty rights of the Japanese had not been impaired (see *supra*, p. 715).—In May new courts were established in **Kansas** with the idea of reducing the cost of litigation in the collection of small debts.—On October 15 the circuit court at Cumberland, **Maryland**, upheld the right of a woman to have her name inscribed on the election ballot as a candidate for office.—In May the **New Jersey** legislature, called into special session for that purpose, passed a jury-reform bill which had been supported by Governor Fielder and President Wilson (see last RECORD, p. 362), amending it, however, so as to require a popular referendum. Late in October Governor Fielder resigned office in order to escape disqualification under a clause of the constitution which provides that no governor may be chosen to succeed himself.—Early in the administration of Governor Sulzer a crisis in the political affairs of **New York** state was foreshadowed by the refusal of the Senate to ratify his nominations. The character of those nominations and the exposure, by the governor's investigators, of scandalous abuses in certain state departments suggested that a breach with Tammany Hall was imminent. When, early in May, the legislature closed its regular session with the decisive rejection of a state-wide direct primary bill framed in accordance with the Democratic platform, the governor entered upon a vigorous campaign in favor of the measure and summoned a special session for June 16. The bill was again defeated, however, the Democratic leaders denouncing Mr. Sulzer in unmeasured terms; and a joint committee was named to investigate his conduct regarding campaign contributions and other matters. On August 13, acting on the report of that committee, the Assembly, by a vote of 79 to 45, resolved to impeach the governor. The managers presented to the Senate eight articles of impeachment, these charging, among other things, an incorrect statement of campaign contributions, the diversion of some of the money for stock speculation and the use of improper influence to prevent persons from testifying before the committee. The trial lasted from September 18 to October 17. Three of the charges were sustained: that Sulzer had filed a false statement of campaign receipts, that

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he had committed perjury in swearing to its accuracy and that he had suppressed evidence by means of threats. The court, by a vote of 43 to 12, removed him from office, but unanimously decided not to disqualify him from holding office in future. Sulzer denounced the proceedings as "a Tammany farce, a political lynching," and declared that he had been removed from office because of his refusal to obey Charles F. Murphy, the leader of Tammany Hall. That the majority of voters through the state held a similar view was amply demonstrated in the November elections (see *infra*, p. 722); and the proceedings set on foot by the district attorney of New York county, based upon the charges which one of the Sulzer investigators had made during the campaign, seemed to promise an exposure of political corruption which would stir the whole country.—Senator Stephen J. Stilwell of New York, after being cleared by the Senate of a charge of bribery (see last RECORD, p. 362), was tried in the supreme court of the state and sentenced to a term of imprisonment. Charges of corruption in regard to city contracts were brought against Judge Daniel F. Cohalan, a prominent figure in Tammany Hall, by the Bar Association of New York City; but on July 17 both houses of the legislature voted that the charges had not been sustained.—Capital punishment was abolished by a **Washington** statute of June 12 except in cases of treason.—In August five members of the **West Virginia** legislature were convicted of soliciting and receiving bribes (see last RECORD, p. 362); all received prison sentences and were disqualified from holding office in the future.

MUNICIPAL AFFAIRS.—There are now 300 cities, with an aggregate population of more than seven and a quarter millions, which have adopted the **commission form** of government. Thirteen of these have a population exceeding 100,000, the most recent additions being Dayton, Nashville and Portland (Oregon). Under the plan adopted in Dayton and seven smaller cities, administrative functions are entrusted to a city manager appointed by the commission.—Provision has been made for the erection of municipal ice plants in Bridgeport, Hartford, New London and Waterbury, Connecticut; Fall River, Massachusetts; and Shreveport, Louisiana. In August Mayor Gaynor vetoed an ordinance providing for a plant in New York City.—Late in the summer municipal **surveys** were undertaken in Des Moines, Indianapolis and Portland (Oregon) for the purpose of securing more economical and efficient methods of administration.—Women have been appointed to the police force in Chicago and Los Angeles. In a local-option election held in Phoenix, Arizona, on May 31, a majority of the women appear to have voted in favor of license.—As the result of expert investigation the city council of **Chicago** passed an ordinance in May reducing telephone charges and increasing the salaries of employees. In September an investigation of election frauds, conducted in spite of the refusal of the county board to make an appropriation for the purpose, resulted in the indictment of prominent Republican and Democratic politicians for falsifying ballots and tally-sheets.—On July 1 **Cleveland** adopted a new charter pro-

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viding for nomination by petition, preferential voting, the short ballot, direct legislation and the recall. The validity of this charter was upheld by the supreme court of the state, on August 26, by a tie vote.—After a controversy which has lasted some twenty years **Des Moines** secured, in July, the right to buy the plant of the local water company.—On May 26 the United States Supreme Court dissolved an injunction which had restrained the city of **Denver** from issuing bonds for the construction of municipal water works, the local company having attempted to force the city to purchase its plant or grant a new franchise.—In August the **Detroit** street railway, influenced by a popular vote in favor of municipal ownership (see last RECORD, p. 364), conceded most of the demands which the mayor had made, including reduced fares on the lines for which the franchise had expired.—On November 5 the new **Los Angeles** aqueduct was opened; it cost $24,500,000 and supplies daily a quarter of a million gallons of water to the city from a distance of 260 miles.—In September a **Milwaukee** ordinance regulating the use of billboards was held unconstitutional as passing beyond the proper limits of regulation under the police power.—The conviction of Charles H. Hyde, found guilty of bribery while city chamberlain of **New York** (see last RECORD, p. 364) was set aside by the higher court on points of law. Four police inspectors were convicted on May 6 of conspiring to defeat the ends of justice (see last RECORD, p. 364). Important recommendations for the improvement of the police department were brought before the board of aldermen on June 18 and decisively rejected. On May 21 Mayor Gaynor withheld approval from a bill which established a board of public welfare to control disorderly houses and gambling resorts. The budget for 1914, as fixed by the board of estimate and apportionment, calls for an expenditure of $192,995,557. With the death of Mr. Gaynor on September 10, A. L. Kline succeeded to the mayoralty.—In August bonds were issued by the city of **San Francisco** for the purchase of certain private traction companies and the building of new municipal lines.

THE ELECTIONS.—In the elections which were held on November 4 the attention of the country was directed especially to New York City. There the various parties opposed to Tammany Hall had, after the death of Mayor Gaynor, combined in support of John Purroy Mitchel as candidate for mayor against Judge Edward E. McCall. The impeachment of Governor Sulzer (see *supra*, p. 720), which appears to have bred a general feeling of hostility to the dominance of Tammany, exercised a determining influence upon the campaign. Sulzer himself, whom the Progressives nominated for the Assembly in a city district, was received by the voters as a popular idol and elected in a three-cornered contest by a majority of two to one. John A. Henessy, formerly one of his special investigators, made numerous speeches in which specific and direct charges of corruption were made. Mitchel received a plurality of more than 120,000. The fusion groups also carried all but two places on the board of estimate and appor-

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tionment, retaining at the same time control of the board of aldermen by a bare majority. Equally significant was the fact that only fifty Democrats were elected to the state Assembly, which has a total membership of 150. Of the Democratic assemblymen who voted for the governor's impeachment 46 were renominated, but only 17 of them secured election.—The overthrow of the Democrats in New York was due to a local issue; the results elsewhere were interpreted as an endorsement of the Wilson administration. In New Jersey James F. Fielder, Democrat, received a plurality of 33,000 over the Republican candidate for governor; and the Democrats not only improved their position in the Assembly, but also secured control of the Senate. Similarly in Massachusetts David I. Walsh was elected governor by the largest plurality ever obtained by a Democrat (53,600). In Indiana 32 of the 46 mayors elected were Democrats. Democratic mayors were also elected in Louisville, Kentucky; Buffalo and Troy, New York; Cleveland and Columbus, Ohio. Blair Lee, supported by President Wilson, was elected United States Senator from Maryland; Henry C. Stuart, Democrat, was elected governor of Virginia. Republican mayors were chosen in Albany and Rochester, New York; Cincinnati and Toledo, Ohio; and Pittsburgh, Pennsylvania. In Philadelphia the "organization" Republicans carried their county ticket.—The results of the election would seem to indicate the permanence of the Progressive party. In Massachusetts the candidate for governor, Charles S. Bird, ran second; and with 19 members the Progressives hold the balance of power in the House of Representatives. They increased their strength in the New York Assembly to 18, elected their mayoralty candidates in Syracuse and in two Indiana cities and outvoted the Republicans in Louisville and Indianapolis. On the other hand, Everett Colby polled only 38,000 votes as against 136,000 for E.C. Stokes, the Republican candidate for governor of New Jersey. Roosevelt in 1912 received 145,000 votes in that state.

THE TRUST PROBLEM AND THE RAILROADS.—In May and June the United States Supreme Court decided twenty-five cases in which railroads had attacked the rates fixed by state authority either because they affected interstate commerce or because they were deemed confiscatory. The court held that the existing national laws did not deprive the states of the right of fixing maximum intrastate rates. In four cases only were the rates found to be confiscatory. The system of valuation adopted by the court below was criticized as failing to show the share of expenses attributable to intrastate commerce or the value of the property employed therein.—Late in June the Interstate Commerce Commission decided to hold an inquiry before acting upon the petition of eastern railroads for a five per cent increase in freight rates; on July 19 a reduction of freight rates to Duluth, by rail and water, from eastern points, was ordered.—On July 31 the Interstate Commerce Commission asked for an appropriation of $1,500,000 for the organization of a corps of engineers to undertake the physical valuation of railroads. It was estimated that the work would occupy

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five to seven years and that it would cost from ten to fifteen millions.—On June 28 the attorney general approved a plan for the dissolution of the Union Pacific and Southern Pacific merger (see last RECORD, p. 366), under which $38,000,000 of Southern Pacific stock should be exchanged for $42,000,000 of Baltimore and Ohio stock held by the Pennsylvania Railroad and the remaining $88,000,000 of Southern Pacific stock should be sold through the agency of a trustee under proper safeguards. Three days later the circuit court at St. Paul gave its assent to the proposal.—A settlement of the government's anthracite suit was reached on May 26, individual coal companies being allowed to enter into 65 per cent agreements with the railroads so long as the contracts are not the result of a concerted plan or in restraint of trade. On September 2 the government brought suit to dissolve the Reading Railroad's control over coal-mining and coal-carrying railroads, alleging a monopoly in the supply of hard coal.—The attorney general of Mississippi has brought suit to compel the dissolution of the Illinois Central and the Yazoo and Mississippi Valley railroad merger, asking penalties of over $50,000,000.—On May 26 the United States Supreme Court held that "a patentee who has parted with a patented machine by passing title to a purchaser has placed the article beyond the limits of the monopoly secured by the **Patent Act**" and that the retailer need not therefore be bound to the sale price fixed by the patentee.—On August 4 the Interstate Commerce Commission ordered **express companies** to adopt for two years, beginning October 15, a new schedule of rates providing for an average reduction of 16 per cent. The charges for packages of 100 pounds were little reduced, except for long distances; but those for small packages were reduced in some cases below the postal charges. According to estimates shippers should save $26,000,000 annually. The commission also prescribes a new arrangement of tariffs by the block system, reducing the number of separate items from 100,000,000 to 650,000.—Criminal proceedings against the officials of the so-called lumber and brick trusts, brought under the **Sherman Act**, have been dismissed in the federal district court at Chicago. Under the terms of a court decree issued in August the National Wholesale Jewellers' Association escaped dissolution, but was required to abandon certain illicit practices. In August the government suit against the Periodical Clearing House was dismissed. In June the United States Supreme Court set aside the judgment against five officers of the American Naval Stores Company, of Savannah, owing to erroneous instructions given by the trial judge. All had been fined and three sentenced to prison terms.—The suit of Texas against the oil companies charged with violating the state anti-trust law was settled in July, when the Standard Oil Company of New Jersey agreed to pay $500,000 and to transfer nine-tenths of the stock of the Magnolia Company to a trustee to ensure independence.—In June the supreme court of Missouri rendered a decision permitting the Standard Oil Company to do business in the state. The suspension of the ouster (see last RECORD, p. 366) followed upon the presentation of evidence that the company no

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longer had a monopoly of the oil business in Missouri.—In July suit was brought against the American Telephone and Telegraph Company, fifteen other telephone companies and twenty-five individuals, asking for the dissolution of a monopoly secured by unjust competitive methods. The court was asked to order the main company to sell its holdings in the smaller corporations. Among the suits brought by the government under the Sherman Act are the following: against the Eastman Kodak Company of Rochester, against the Quaker Oats Company at Chicago and against the Southern Wholesale Grocers' Association in Alabama.

LABOR AND CAPITAL.—On July 8, when the demand for a fifteen per cent increase in wages and a readjustment of working hours was rejected, the trainmen and conductors employed by 45 eastern **railroads** voted overwhelmingly in favor of a strike, but left the final decision with their leaders. The railroads had objected to arbitration under the Erdman law in view of its admitted defects. In a conference at the White House, however, an agreement was reached under which Congress should be urged to amend the act. The amendment, passed on July 15, provides for a board of mediation consisting of a commissioner and two other persons designated by the president, and a board of arbitration consisting of six persons, two named by each side and two by the original four. On September 11 a board of arbitration, thus created, began its sessions in New York.—On August 29 a strike of machinists employed in the shops of the Baltimore and Ohio Railroad was averted by mediation, the men securing an increase of one cent an hour, a minimum wage scale and a nine-hour day. —On September 17 arbitrators decided adversely to the demands for higher wages made by the engineers of the Chicago, Western Indiana and Belt Line Railroad.—On August 1 the Pennsylvania Railroad was fined $4900 for the infraction of the federal hours-of-service act.—The **coal strike** in West Virginia (see last RECORD, p. 369) came to an end in April, when both sides accepted Governor Hatfield's proposals for a settlement. On July 24 an agreement was signed applying to the Paint Creek region and granting practically all the demands of the miners. In the Cabin Creek region, while recognition of the union was withheld, the men secured a twelve per cent increase in wages, a nine-hour day and other concessions. During the strike, which was marked by bitterness and violence, thirteen persons were killed; the money loss was estimated at more than $4,500,000. On June 10 a committee of the United States Senate began an investigation of industrial conditions throughout the bituminous coal district. President White and eighteen other officers of the United Mine Workers of America were indicted in the federal court at Charleston for violation of the Sherman Act in conspiring with coal operators in four other states to raise wages in the West Virginia fields so as to prevent competition with them in the western markets.—In October a strike in the coal fields of southern Colorado was attended by armed conflicts which resulted in the death of 28 persons and the wounding of many more. Governor Ammons finally

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mobilized the entire state militia, placed the mining district under martial law and ordered a general disarmament of guards and strikers.—Some 15,000 copper **miners** in the neighborhood of Calumet, Michigan, struck on July 21 to enforce demands for the recognition of their union and an eight-hour day. Serious riots necessitated the calling-out of the entire national guard of the state. The operators, when approached by the federal government, refused arbitration. An injunction which forbade picketing and parades was issued on September 20, but dissolved a few days later after the action of the court had been hotly denounced by the strikers. Disorder continued through October.—During a strike of lead miners at Flat River, Missouri, two men were shot by deputy sheriffs on August 20. The strikers refused to accept the terms of settlement proposed by the State Board of Arbitration.—Early in August Governor Johnson ordered militia to Wheatland, California, where striking hop-pickers had engaged in riots. A ten per cent increase in wages was granted. In the same month serious rioting occurred at Erie, Pennsylvania, during a strike of moulders, and at Steubenville, Ohio, during a strike of miners.—On May 9 a **street railway** strike began at Cincinnati, the men demanding higher wages, shorter hours and recognition of the union. Although Mayor Hunt requested it, the governor refused to order out the militia. On May 19 a settlement was reached under which the union was recognized and the wage question submitted to arbitration.—Four persons were killed and a number wounded during a strike of street railway employees in Indianapolis. Not till the state militia had been called out was the situation brought under control. On November 8 a settlement was reached, the grievances of the men being submitted to the Public Utilities Commission for arbitration.—On July 28 the Reading Iron Company granted to 3000 employees an increase in the puddling rate from $4.25 to $5 a ton.—When the ice manufacturers of Cincinnati refused to arbitrate differences with their striking employees, Mayor Hunt seized the plants on July 2 and proceeded to operate them for the city. The manufacturers then gave way, agreeing to recognition of the union, an increase in wages and the arbitration of other matters.—William M. Wood, president of the American Woolen Company, being tried for conspiracy to injure the textile strikers at Lawrence (see RECORD of December, 1912, p. 749) by planting dynamite, was acquitted on June 7. The jury disagreed in the case of F. E. Atteaux, a co-defendant. As a result of the rioting which occurred during the textile workers' strike at Little Falls, New York (see last RECORD, p. 368), B. L. Legre, an organizer of the **Industrial Workers of the World**, was sentenced to one year of hard labor. In a conflict between the police and strikers at Ipswich, Massachusetts, seven persons were wounded and one killed; two Industrial Workers were arrested for the murder. The strike of silk weavers at Paterson, New Jersey (see last RECORD, p. 367), which had been marked by considerable violence, was abandoned on July 23 after lasting five months. The loss in wages was estimated at $5,500,000. The police had

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taken vigorous measures to suppress disorder. An editor, who criticized their methods, was successfully prosecuted in June; in the same month 38 strikers were found guilty of unlawful assembly. In July an organizer, Patrick Quinlan, charged with inciting to riot, was sentenced to imprisonment for a term of two to seven years and to a fine of $500.—In May a strike of New York barbers under the auspices of the Industrial Workers proved unsuccessful.—Rioting occurred in Seattle on July 18, sailors from United States battleships attacking the headquarters of the I. W. W. On the same day the police suppressed a demonstration in Portland directed by the same organization.—On October 5 George E. Davis, arrested in New York, confessed to having committed a series of **dynamite** outrages under the direction of the International Association of Bridge and Structural Iron Workers (see last RECORD, p. 368).—On May 5 the court of appeals in the District of Columbia affirmed the judgments for contempt of court in the famous Bucks Stove and Range **injunction case** (see RECORD of December, 1912, p. 748), but reduced the sentences. On June 19, after an appeal had been refused by the court of appeals, the United States Supreme Court granted a writ of error.

LYNCHING AND THE RACE PROBLEM.—Under a decision of the Maryland court of appeals, rendered in August, an ordinance of the city of Baltimore, providing for the compulsory segregation of the whites and negroes, was held invalid on technical grounds; but the city's power to enact such an ordinance without violation of the state or federal constitution was not denied.—For killing a sheriff at Yellow River, Florida, in July, a negro was lynched and afterwards mutilated; in September a negro charged with wounding a policeman was taken from jail in Charlotte, North Carolina, and shot to death. For committing an assault upon a white girl twelve years of age a negro was lynched by citizens of Hot Springs, Arkansas, in June. In October a negro was killed during an assault made upon the jail at Joliet, Illinois, for the purpose of rescuing a negro prisoner. After the lynching of two negro boys at Harriston, Mississippi, in September, a race riot developed in which three whites and five negroes were killed. At Falls City, Nebraska, in May, the sheriff repulsed an attack upon the jail where a negro was held for assault upon a white woman; and at Dublin, Georgia, in June, the sheriff saved three negroes by hurrying them from jail before the mob broke in. In September Governor Blease of South Carolina refused to order the militia to Spartansburg where an attempt was made to lynch a negro held for assault upon a white woman. Although the mob dynamited the outer wall of the prison, a determined resistance finally drove them back. When brought to trial, the negro was acquitted.

THE DEPENDENCIES.—In July President Wilson nominated L. E. Pinkham as governor of **Hawaii**. W. Cameron Forbes, governor-general of the **Philippines** since 1909, was superseded in September by Francis Burton Harrison, formerly a member of Congress from New York city. Mr. Har-

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rison announced his full adhesion to the Democratic platform of 1912 which condemned colonial exploitation and favored the recognition of Philippine independence as soon as a stable government could be established.—In May the charges made by Commissioner Worcester that slavery existed in the islands and that the fault lay with the Assembly which had refused to enact the legislation necessary for its suppression were denounced by Manuel L. Quezon, resident commissioner at Washington, as "both false and slanderous." Soon afterwards, however, the auditor of the islands sent a report to the secretary of war fully sustaining the charges.—The foreign trade of the islands amounted to $61,099,878 for the second half of 1912 as against $48,529,117 for the corresponding half of 1911.—In June five or ten thousand rebellious Moros who refused to surrender their arms on the demand of the government were attacked by General Pershing on the island of Jolo and, after several days of severe fighting, were subdued. Fourteen Americans were killed and twenty-five wounded. Governor Whitney of Jolo was injured in an encounter with armed Moros in August. Conflicts with the tribesmen of Mindanao, late in October, resulted in the killing of five scouts and the wounding of eight.—Owing largely to the improved water supply and modern sanitary regulations the death rate for the first half of 1913 was the lowest yet recorded. There were only eight cases of bubonic plague.

III. LATIN AMERICA

MEXICO.—The **provisional government** set up in February by General Victoriano Huerta (see last RECORD, p. 370) was confronted by two pressing problems. First of all, money was needed to pay soldiers, buy ammunition, repair railways and support the civil government; and loans could not easily be contracted, even in Paris, by a government not recognized by the United States (see *supra*, p. 714). Second only to the need of money, was the imperative necessity of suppressing the **insurrections** which kept Oaxaca, Morelos, Zacatecas, and the northern states of Nuevo Leon, Coahuila, Chihuahua, Sonora and Sinaloa in constant turmoil. This General Huerta seemed unable to do. His troops were able to capture and execute the rebel "General" Francisco Villa in September, and General Maas took Piedras Negras on October 7 after marching victoriously through the state of Coahuila. But elsewhere the insurrection gained headway. General Pancho Villa, a revolutionary leader, defeated the Federal forces under General Alvarez early in October and captured Torreon, an important railway center in the state of Durango. Another revolutionary commander, General Jesus Carranza, attacked Monterey, the capital of Nuevo Leon, with a force of four or five thousand men, and after a week of fighting, captured the city.—The failure of the Huerta government to restore order in the country at large was reflected in political unrest in Mexico City. The **cabinet** portfolios were transferred one by one to personal adherents of General Huerta, so that in October they were held as follows:

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foreign affairs, Señor Querido Moheno; interior, Señor Manuel Garza Aldape; finance, Señor Adolfo de la Lama; education, Señor Garcia Narajo; public works, Señor Jose M. Lozano; justice, Señor Enrique Gerostieta.—In moulding the legislature to his will, the provisional president experienced greater difficulty. The **Congress**, which met on September 16, consistently obstructed the administration and stubbornly refused to grant General Huerta the financial and military support he demanded. Many of the representatives were said to be in active sympathy with the Constitutionalist **insurrectos**.—To these troubles was added the vexatious question of the **presidential succession**. A general presidential election had been proclaimed for October 26, and, despite the unsettled conditions throughout the country, the protests of the Constitutionalists, and the warnings of the United States, General Huerta persevered in his determination to hold the elections on that date. Of the four candidates who were formally nominated for the presidency, General Felix Diaz (see last RECORD, p. 370), representing the National Democratic Party, was at first considered the most likely, especially as he appeared to be favored by the United States. The Clerical candidate, Señor Frederico Gamboa, former foreign minister, promised measures for social betterment, savings-banks and a rural credit system. The Liberal and Liberal-Republican factions were represented by Señor Manuel Calero and Señor David de la Fuente respectively. It was suspected, however, that, contrary to the constitution, the provisional president would enter the campaign and use the army to secure his own election. Anxiety on this score served further to embitter General Huerta's opponents in the Congress, one of whom, Dr. Belizario Dominguez, senator for Chiapas, boldly denounced the provisional president as "a blood-thirsty and ferocious military tyrant." The subsequent mysterious disappearance of Dr. Dominguez was laid at the door of General Huerta, and the representatives in Congress, alarmed for their personal safety, became the more antagonistic to the administration.—With revolutionary armies triumphantly operating in the northern states, General Huerta was resolved that at least in Mexico City the government should present a united front. He therefore struck a *coup d'état*, suspended the Congress on the night of October 10, imprisoned 110 of the 233 representatives, and on the following day declared himself temporary dictator until a new Congress and a permanent president should be elected on October 26. The immediate result of the *coup d'état* was trouble with the United States (see *supra*, p. 714), which was soon increased by the farcical nature of the presidential election on October 26.

CARIBBEAN AND CENTRAL AMERICAN STATES.—The demoralized condition in which former President Gomez had left **Cuban finances** made it necessary for President Menocal to inaugurate a policy of retrenchment. As a result of one of his economies—the stoppage of the payment of custom-house receipts to the Cuban Ports Company under a Gomez concession—suit was brought against the government; but the courts upheld

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the administration. Retrenchment was not sufficient, however, and on October 8 President Menocal asked a special session of Congress to ratify a loan of $15,000,000. The Liberal majority, opposed to the loan, and annoyed by the calling of an extra session, absented themselves from Congress. These obstructionist tactics were severely censured by the president in a manifesto issued October 21, and rumors were current that where persuasion had failed force would be used. No breach of the peace occurred, however, and the battle royal between president and Congress was deferred until the opening of the regular session on November 3.—Early in September revolution broke out in the republic of **Santo Domingo**. The revolutionists, under the leadership of Horacio Vasquez, former provisional president, seized the town of Puerto Plata and gained control of most of the northern part of the island. Government gunboats were speedily despatched to bombard Puerto Plata, and on October 21 the rebels consented to make peace with Provisional President José Bordas Valdez.—Throughout the summer there were rumors that the Liberals in **Nicaragua** were contemplating the overthrow of the Diaz government; but the probability of an uprising lessened when President Diaz succeeded in negotiating a loan (see *supra*, p. 714) which would place the finances on a firm footing.—The law compelling Chinese laborers in **Panama** to register and pay a large tax was moderated in October in favor of the Chinese.

SOUTH AMERICA.—A rebellion in **Venezuela** against President Gomez was engineered by ex-President Cipriano Castro. The insurrection was never serious, and collapsed in August.—A revolutionary movement was started in **Ecuador**, and late in October, the rebel general Concha administered a costly defeat to the government troops at Ambato, 60 or 70 miles south of Quito. A recrudescence of revolutionary disorder was subsequently reported from Esmeraldas, 200 miles up the coast from Guayaquil, and a small governmental force was despatched by sea to suppress the movement. —Disorders attending the opening of the **Peruvian** Congress on July 28, were signalized by the throwing of a bomb at the house of Señor Villaneuva, president of the senate, and the flight of Vice-President Roberto E. Leguia, who was subsequently reported in Boston. In a message to Congress in September, President Billinghurst emphasized the need of a foreign loan, although the budget as adopted for 1914 showed an estimated surplus of $2,128,629. In October the chamber had under consideration a bill to take over the interests of the Peruvian Guano Corporation.—Owing to the competition of cheap "plantation rubber" from the far East with the African and American product, the rubber market was glutted and a crisis in the **Brazilian** rubber industry ensued in September. In order to relieve the situation, the cabinet asked Congress to make a reduction of 50 per cent in the export duty on rubber, and the minister of public works was instructed to secure reduced rates on the transportation of rubber from the Amazon district. The federal government and the state of Sao Paulo contracted emergency loans in Europe to the amount of $10,000,000. It was

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reported in October that the Brazilian government would sell the almost completed superdreadnought "Rio de Janeiro" and begin construction of another battleship of improved type.—On August 15 General Ismael Montes was inaugurated as president of **Bolivia**, in succession to Señor Eliodoro Villazón.—A foreign loan was contemplated by **Uruguay** in September, but the diffidence of French financiers, who were expected to float the loan, caused its abandonment. A capacious deep-water harbor was under construction in Coronilla Bay. The Chamber of Deputies passed an eight-hour-day bill on June 1.—**Chile** was likewise devoting attention to harbor improvement, and appropriated $10,000,000 for work on the Valparaiso harbor.—Disagreement on financial questions caused trouble in the ministry of the **Argentine Republic**, and the cabinet was reconstructed with Señor Carlos Meyer Pellegrini as minister of public works, Señor Lorenzo Audon as minister of finance, and Señor Carlos Ibarguren as minister of justice. On September 25 the House of Deputies consented to an issue of $125,000,000 in $25,000,000 installments, by the Banco Hipotecario. A month later President Peña authorized the issue of Argentine mortgage *cedulas* up to $16,000,000. A measure penalizing combinations in restraint of trade was under consideration in October.

IV. THE BRITISH EMPIRE

IMPERIAL AFFAIRS.—In accordance with a decision of the **Imperial Defence** Conference (see RECORD of December, 1912, p. 753), New Zealand was invited to appoint a representative to the Imperial Defence Commission. The general policy of which this appointment was but an incident, namely, Dominion representations on imperial councils with Dominion contributions to the imperial navy, suffered a severe setback when the Canadian government (see *infra*, p. 735) failed to contribute the three dreadnoughts promised by Mr. Borden (see RECORD of December, 1912, p. 753). The deficiency thus caused had to be made good by accelerating the program of naval construction for the United Kingdom. On the other hand, the Australian policy of coöperation as distinguished from direct contribution seemed to be gaining favor. On October 4 enthusiastic crowds at Port Jackson witnessed the assembling of the Australian naval "unit," consisting of the flagship "Australia," three small cruisers, and three destroyers. To these were to be added two submarines, three destroyers and a cruiser —then under construction. The personnel of the Australian navy had risen from 240 in 1910 to 3400 in June, 1913; a naval college had been established at Jervoise bay; and naval bases were planned with the advice of English experts. A similar policy for New Zealand, hitherto a contributor to the imperial navy, was foreshadowed late in October, when Premier Massey announced the intention of his government to ask the Dominion Parliament to approve the construction in England of a two-million-dollar cruiser, to be owned and directed by the Dominion government, except in time of war, when it would pass under the control of the British Admiralty.

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The intended change in the policy of New Zealand was said to be indicative of a feeling that the interests of the Dominions in the Pacific were not sufficiently safeguarded by the imperial naval authorities. The same sentiment found expression in demands for the participation of Canada, Australia and New Zealand in a naval conference at Vancouver. The opening of the Panama canal, however, and the establishment of a powerful naval base at Bermuda, were expected to simplify the whole problem of the distribution of naval forces.—As applied to non-military affairs, the imperialistic movement met with less opposition. The **imperial communications** committee of the British Empire League purposed binding the empire together by means of cheaper and better postal, cable, wireless and steamship facilities. The idea found practical application in the subsidized Royal Mail steamship lines and the lowered cable rates between Canada and the West Indies, in the new fast trans-Atlantic service promised by the "All Red" Steamship Company, in the proposed government-owned cable between Canada and the British Isles, and in the projected imperial wireless chain.—Moreover, it was urged that all the states of the empire should have uniform and generous naturalization and immigration laws. This was felt to be particularly necessary in view of the ill-feeling over the disabilities suffered by Indian immigrants in Canada and South Africa.—In order that the Dominions might be represented in the Imperial Court of Appeal, a seat in that body was offered to Sir Samuel Griffith, Chief Justice of the High Court of Australia.—Other evidences of amicable relations between the members of the empire were the friendly visit paid to Canada, Australia and New Zealand by British members of the Empire Parliamentary Association, the project for grouping together the Dominion offices in London, and the celebration throughout the empire of May 24 as Empire Day.

THE UNITED KINDOM.—Notwithstanding the rancorous tone of its critics, the Liberal government, supported by a majority in the House of Commons, was firmly determined to enact its legislative program into law under the provisions of the Parliament Act of 1911. Accordingly the closure was applied to prevent obstructionist tactics in the **summer session of Parliament,** which lasted from May 27 to August 15. By this means the ministerial majority in the Commons was enabled to pass the Home Rule Bill on July 7 by a vote of 352 to 243, and on the following day to approve the Welsh Church Bill. Both measures were again rejected by the House of Lords—the former on July 15, the latter on the twenty-second. The government thereupon announced its intention of bringing the two bills up for a third time in the next session, when the assent of the Commons would automatically give them the force of law.—A bill to abolish plural voting was likewise rejected by the House of Lords in July. The measures actually enacted in the session were of minor significance, such as the Finance Act, the Scottish Temperance Act, the Sudan Loan Act (to promote cotton-culture), and an amending act to improve the administration of the national insurance system. Interesting developments

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were expected from the committee appointed to investigate the desirability of proposed changes in the procedure of the House of Commons. In this connection it is interesting to note that a precedent was set for the procedure in case the Commons should desire to alter a bill in course of passage under the Parliament Act. The bill was not to be amended, but the proposed alteration might be presented to the upper house, with the declaration "That the Commons suggest to the Lords the following amendment;" and after the enactment of the original measure was assured, the amendment might be effected by the consent of both Houses without further delay.—The **parliamentary recess** from August 15 to November 3 was in the nature of a preparation for the final political struggle to take place in the winter session. The Liberal ministry had many reasons for disquietude. Scattering by-elections had been unfavorable, the Marconi charges (see last RECORD, p. 372) had hurt the prestige of individual ministers, the government had been embarrassed by the irrepressible militant suffragists, its Welsh Church Disestablishment Bill had been condemed by a monster mass-meeting in Hyde Park, opprobrium was heaped upon the government's Irish policy by Ulster Unionist orators, and the Plural Voting Bill was denounced by Conservatives as partisan, by woman-suffragists as unfair, and by both as illogical. Nevertheless no symptoms of discouragement were manifested at the luncheon on July 1 of the National Liberal Club. On the contrary, there was great jubilation over the report of the Marconi committee exonerating the three ministers whose integrity had been impugned. One of the trio, Sir Rufus Isaacs, was later made Lord Chief Justice, to the chagrin of those who had questioned the delicacy of his sense of honor. Moreover, Sir Stuart Samuel (see last RECORD, p. 372) was triumphantly reëlected to his seat in the Commons and exempted from any penalty for his connection with the Indian silver purchase.—The greatest confidence and optimism characterized the enunciation of the **Liberal program**. Mr. Lloyd George's land policy, announced in October speeches, included the erection of a new department of lands, with a minister of lands to determine the minimum wage and the hours of labor for agricultural laborers, to encourage the cultivation of waste lands, and to deal with the rent and housing problems. The appointment of a commission under Lord Loreburn "to inquire into the relationships between the railway companies of Great Britain and the State" and to report desirable changes, was interpreted as the forerunner of radical railway legislation, if not even of railway nationalization. The educational program outlined by Mr. Pease would impose on every county and county borough the duty of providing a complete system of progressive education, and increase the amount of state subventions. Voluntary schools were to remain part of the educational fabric. Reform of the House of Lords was also to be taken up, so Mr. Asquith announced in July.—The **Ulster Unionists**, under the leadership of Sir Edward Carson, finding parliamentary opposition ineffective, had recourse to threats of violence.

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Civil war, they declared, would be the result of Home Rule and Ulster would fight rather than be separated from Great Britain. In preparation for this emergency, 50,000 or more "Ulster Volunteers" were enlisted and drilled; arms were smuggled into Ireland; eight or ten thousand recruits were reviewed in Belfast on September 27; and arrangements were elaborated for a provisional government to be set up in Ulster immediately upon the establishment of a Parliament in Dublin. Believing strongly in the efficacy of their threats, the Unionist leaders challenged Mr. Asquith to submit the question of Irish Home Rule to a general election, or to a popular referendum. In answer, it was pointed out that the Irish question had been repeatedly submitted to the people as an issue. Compromise and conference between the government and the Unionists were advocated by Lord Loreburn and by Mr. Winston Churchill, but the proposal resulted only in eliciting from Mr. Redmond an emphatic reiteration of the Nationalists' insistence on a United Ireland.—The advocates of **woman suffrage** renewed their campaign of violence after the House of Commons on May 6 rejected a bill submitted by Mr. Dickinson whereby about 6,000,000 women with household qualifications would have been admitted to the franchise. The "arson squad" of militant suffragists was responsible for numerous fires and other attacks on property. Under the so-called "Cat-and-Mouse Act" (see last RECORD, p. 373) Mrs. Pankhurst and her daughters, as well as other leading suffragists, were repeatedly arrested, released on parole, and reincarcerated. In October, however, Mr. McKenna, the home secretary, ordered the resumption of forcible feeding for incorrigibles. The suffragists replied by burning the country home of Mr. McKenna's brother. Industrial conditions were marked by an unusual number of **trade disputes**, among which may be mentioned the strikes of the London painters and decorators, of the London omnibus drivers, of the cotton workers employed by the Beehive Mills in Bolton, and of the Manchester dock-hands. The clay-workers of Cornwall were defeated in a ten-weeks strike, ending October 10. There was also a strike of the coal-miners in South Wales. In Dublin the Irish Transport Workers Union, under the leadership of Mr. James Larkin, went on strike August 26. An inquiry conducted by Sir George Askwith failed to effect a reconciliation, inasmuch as the employers refused to discharge men who had been hired as strike-breakers, and would not recognize Mr. Larkin's organization. Aid from England only partially relieved the privations of the strikers, and in October it was proposed to send the children to England to be taken care of by Socialists. This was successfully opposed by the Catholic clergy; and it was predicted that the strike would collapse on account of the hostility of the Church. Against the rough treatment accorded the strikers by the Dublin police a protest was made by the Trades Union Congress which met in September at Manchester.—To combat the activity of trade-unions, the "United Kingdom Employers Defence Union" was formed. The new organization, registered as a trade-union, was said to possess a guarantee fund of £50,000,000 to support employers in fighting strikes.

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CANADA.—Under the closure resolution passed in April, the Dominion House of Commons proceeded rapidly to third reading of the **Naval Aid Bill** on May 15. The principle of naval contribution, as embodied in the bill (see last RECORD, p. 374), was heartily condemned by the Liberals, who felt, as Sir Wilfred Laurier expressed it, that "defence, like charity, should begin at home." When the bill came up before the Senate, the Liberal majority promptly rejected it by a vote of 51 to 27, declaring that no action should be taken before the question was submitted to the people. This step was heartily commended by Liberals throughout the country, and favorably commented upon by the Trades and Labor Congress in Montreal. On the other hand, the Conservatives were deeply chagrined, and it was prophesied that the government would arrange for the construction of the three ships by the United Kingdom, hoping that in time the Senate would be so changed as to accept the bill. A Conservative victory in the by-election for Chateauguay was heralded as an endorsement of the government's naval policy, until the next by-election resulted favorably to the Liberals. The agitation against naval contribution was attended by a re-opening of the discussion on that other aspect of imperialism, the establishment of **imperial preferential tariffs.** The lowering of the United States tariff (see *supra*, p. 716) had been followed by demands in the Liberal press for the abandonment of all food taxes and a wide reciprocity in natural products between Canada and the United States. The true commercial interests of Canada, it was asserted, lay in the New World, and not in the British Empire. During the year 1912–13 trade with the United States had increased by $140,000,000, as compared with a $40,000,000 increase in trade with the United Kingdom. Nevertheless there was a movement on foot to advertise Irish manufactures in Canada, and extensive harbor improvements at Halifax looked toward the development of trans-Atlantic commerce.—In his **budget** speech in May, Mr. White estimated that the revenue for 1913 would be $168,250,000, an increase of $32,000,000, giving an estimated surplus of $55,000,000. The total volume of **commerce** for the year ending March 31, 1913, had increased by about $222,377,000. It was suggested by the Royal Commission on Industrial Training, instituted by the Liberal government in 1910, that $3,000,000 might well be applied for educational purposes.—A labor controversy was opened by the **Vancouver strike.** On August 13, striking coal-miners took possession of the towns of Nanaimo and Ladysmith, Vancouver Island. They were dispersed by militia from the mainland, and warrants were issued for about two hundred of the leaders. The use of militia in an industrial dispute was condemned by the Trades and Labor Congress at Montreal in September and a movement was set on foot to keep union men out of the militia. The Federation of Labor, however, which controlled the coal mines of Nova Scotia, took the opposite view, and congratulated the government on its successful intervention.—Fresh finds of **gold** were reported in British Columbia and in the Yukon territory.

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AUSTRALIA.—A deadlock in the **Commonwealth Parliament** resulted from the elections held on May 31. A large Liberal vote in the farming districts enabled the Liberals to obtain a majority in the lower house, but it was a majority of only one. The Senate, however, remained loyal to the Labor party; for, inasmuch as under the constitution but half the Senate was renewed at triennial elections, a change in popular sentiment could not so readily be reflected in that body. The Liberal victory, incomplete as it was, was sufficient to replace Mr. Fisher's Labor government on June 24 by a **Liberal ministry** constituted as follows: premier and minister for home affairs, Mr. Cook; treasurer, Sir J. Forrest; attorney-general, Mr. W. H. Irvine; defence, Mr. E. D. Millen; external affairs, Mr. P. M. Glynn; trade and customs, Mr. L. E. Groom; postmaster-general, Mr. A. Wynne; vice-president of the executive council, Mr. J. H. McColl; without portfolio, Mr. W. H. Kelly and Mr. J. S. Clemons. Mr. Millen undertook to lead the Liberal minority in the Senate. At the opening session in July, Mr. Johnson, a Liberal, was elected Speaker of the House, and Mr. Givens, a Laborite, President of the Senate. After passing a supply bill to fill immediate wants, the Parliament was adjourned owing to the hesitancy of the ministry to attempt the task of governing with a Liberal House and a Laborite Senate. When the Parliament met again on October 1, Mr. Cook laid upon the table a memorandum of projected legislation, including the exemption of rural workers from the operation of the industrial disputes act, national insurance on a contributory basis, civil service reform, railway development, and numerous fiscal reforms. The general **budget** statement indicated a current revenue of £21,462,000, which with an accumulated surplus of £2,653,000, balanced the estimated expenditures, of which £5,750,000 fell under the head of defence.—In June the state government of **New South Wales** underwent a change of personnel but not of party, Mr. McGowan, the Labor leader, being succeeded by Mr. W. A. Holman. The Opposition moved its usual vote of censure, but was disregarded by the ministry. In the speech from the throne on July 22, a full schedule was foreshadowed for the coming year, with measures for a super-tax on large estates, model suburbs, rent regulation, the protection of deserted wives and children, an eight-hour day, mining acts, workingmen's compensation, and a minimum wage.—The **Queensland** Assembly had under consideration a bill aiming at the exclusion of colored labor from the sugar industry.—The government of **South Australia** was debating the advisability of measures to encourage the importation of indentured lads from the old country for agricultural work.—Sir William Ellison Macartney, the newly-appointed governor of **Tasmania**, assumed the duties of his office in May.

NEW ZEALAND.—In July the government introduced a **Constitutional Reform Bill** to make the council of forty, hitherto appointed by the governor, an elective body. The northern island was to have 22 councilors and the southern 18, all of whom would be elected by adult suffrage and propor-

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tional representation. The elective council was approved in principle by the legislative council, but the provision for direct popular election was rejected. The government's **Land Bill** authorized the minister of lands to borrow £500,000 for land-purchase, and £100,000 for road-construction; provision was made for the more extensive conversion of crown land into freehold, reserving minerals to the crown; landowners might be compelled to sub-divide unsettled land; and safeguards were erected against the aggregation of landed estates.—Arrangements were completed in October for a loan of £3,500,000.—The **Defence** estimates amounted to £505,000. Under the Defence Act (see last RECORD, p. 375) 52,000 recruits had been enlisted, but there had been a large number of defaulters from compulsory military service, 3100 of whom were convicted. The "inhuman" treatment of such defaulters was deprecated by a deputation of the Labor Congress, but Colonel Allen, the minister of defence, denied the justice of the complaint.—The uncompromising spirit demonstrated by the revolutionaries in the **Labor** Congress of July was further evidenced in a contest between the Federation of Labor and the employers in October. All organized labor was brought to a stand-still, and the situation became so serious late in October that British marines were landed at Wellington and at Auckland to assist the authorities. In order to prevent illegal strikes in the future the prime minister introduced an Arbitration Bill making disobedience to arbitrament a punishable offence, with a fine of £10 for workmen or £500 for employers.—The stringent anti-trust laws were upheld by the Court of Appeal in the case of the sugar trust.

SOUTH AFRICA.—The **Union Parliament** was prorogued on June 16 after a session of 98 days, in which measures had been passed dealing with the exclusion of Asiatic immigrants, land settlement, extensive railway construction, and a more nearly balanced distribution of tax-burdens. A bill to establish a University of South Africa caused a revival of racial antipathy and failed to secure approval.—In order to force their employers to concede a restriction of the hours spent in underground labor, and allow special compensation for dangerous work in the deeper and more difficult mines, the mine-workers went on **strike in the Rand** district late in June. The strike spread and on July 4 a general miners' strike was called. To keep order, the government hurried military forces into the strike area. In Johannesburg an unruly crowd was fired upon and dispersed, leaving 22 persons killed and over 200 wounded. The strike leaders were arrested, martial law was enforced, and the miners induced to resume work, with the understanding that the government would investigate their grievances and pay the strike-breakers. The government commission, which undertook the investigation later in the month, found that the mine-owners were unyielding in their refusal of the men's claims; while on the other hand, the Trades Federation was not disposed to moderate its demands, nor would it recognize the Industrial Commission which the government proposed to establish with labor representatives in the minority. Mr. Malan, the min-

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ister of mines, thereupon opened a campaign against the Federation, by proposing a bill which would provide for compulsory registration of trade unions, a compulsory secret ballot before all strikes, the divorcing of political from industrial questions, and the exclusion of the Trades Federation from industrial disputes. Against this attack, the Federation, already losing its support, was unable to oppose anything more than impotent threats and protests, and in October it consented to be ignored in the negotiations of the miners and mine-owners. The railway men also negotiated independently, asking for a yearly vacation of 10 days besides the three public holidays.—The course followed in the suppression of the strike by the government evoked widespread censure; the use of the military and the denial of the right of free speech were described as subversive of liberty; and General Hertzog acridly denounced the meddling which cost the government £47,500 and did not help the workmen.—Two places in the cabinet were vacated—one through the death of Mr. Sauer, on July 24, and the other by the resignation of Sir David Graaff.—On account of the high mortality in the Witwaterstrand mines, it was announced in May that the importation of tropical natives for mining purposes would be stopped; nevertheless in August an agreement was signed with the Portuguese government for the permission and regulation of the recruitment of native laborers in Portuguese East Africa.

INDIA.—The **Mohammedans** in India deeply resented the acquiescence of Great Britain in the spoliation of European Turkey, and frequent disturbances were reported in Bengal of so disquieting a nature that in October the government of that province appointed an especially able commission to investigate the political situation. At Cawnpore an attempt to demolish part of the Machli Bazaar mosque, which was in the way of a projected metalled road, led to a Mohammedan riot in which 18 were killed. Lord Hardinge subsequently pardoned the rioters and conciliated the angry Moslems. A similar mitigative policy was evident in the viceroy's speech at the adjournment of the Legislative Council on September 17. Great Britain desired to see Turkey independent, he said, and every effort would be made to remove the barriers which Canada and South Africa had erected against Indian immigrants, as well as to give the natives in India increased educational opportunities. The viceroy's mild words did not seem to exercise an immediate soothing effect, however, for a fortnight had not passed before two political murders were committed in Bengal.—The "Triple Canal Project" for the irrigation of the Punjab was completed by the opening of the Lower Bari Doab canal. It was estimated that the new canal would irrigate about 871,000 acres. The total cost of the project had been almost £7,000,000.—The failure of the Credit Bank of India on October 3 threw the Bombay stock exchange into a panic which lasted throughout the greater part of the month.

OTHER DEPENDENCIES.—A deputation from **Malta** waited on Mr. Asquith in May with a petition for constitutional revision in the interests of

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local autonomy.—A body of the camel constabulary of British **Somaliland**, while endeavoring to pacify the "friendlies" in the interior regions unoccupied by Great Britain, was set upon by a force of dervishes and lost 36 killed and wounded in a disastrous encounter at Dul Madoba on August 9. —During the illness of Mr. H. C. Belfield, the governorship of **British East Africa** devolved upon Mr. C. C. Bowring. On October 1 daily train service was begun on the railway from Mombasa, on the coast, to Nairobi and Thïka, in the interior of British East Africa.—The British South Africa Company was formulating elaborate plans for the settlement of **Rhodesia**.— One of the most important of Sir Frederick Lugard's measures for the development of **Nigeria** was the project for the construction of a new trunk railway 550 miles long at a cost of £3,000,000, from a point on the coast, to be called Port Harcourt, to the Udi coal-fields, and thence to connect at Kaduna with the existing system.—On August 26 the new King's Dock, the largest east of Suez, was opened at **Singapore**.—The dissolution of the **Newfoundland** legislature was followed by an active campaign led by Sir Robert Bond against the premier, Sir Edward Norris. The results of the election, which took place on October 30, were not fully known on November 4.

V. CONTINENTAL EUROPE

FRANCE.—The popularity of President Poincaré and the almost regal state maintained by him in touring the country in September, and again in visiting King Alphonso of Spain, were seized upon by certain sections of the press as indications that the **presidency** was becoming monarchic in character. In other quarters, however, such a transformation was considered to be highly unlikely, and a more significant phase of French politics was looked for in the activities of the cabinet and Chamber.—The most important matter considered by the Chamber was the **Army Bill** (see last RECORD, p. 377), with its provision for three-year service. Although the bill was ably advocated by Parisian journals, it was opposed by a violent **anti-militarist agitation**. Mutiny was threatened in the army; a Parisian crowd of 50,000 persons denounced three-year service on May 25, and disorders were reported from Nancy, Châlons-sur-Marne Commercy, Lérouville, and Rennes. These expressions of discontent were sternly repressed, however, and in June the bill was reported in the Chamber. Despite some 140 amendments and many counter-proposals offered by opponents of the measure, and despite the interpellation attempted by M. Jaurès, the ministry broke down Socialist obstruction and carried the three-year clause on July 7 by a vote of 339 to 223. On the sixteenth an amendment was adopted providing for the enlistment of recruits at the age of 20. Finally, on July 20, after a debate lasting 10 weeks, the whole Army Bill was passed by the Chamber, and on August 7 the Senate gave its approval by the overwhelming majority of 250 to 37. It was estimated that the peace strength of the army would be increased to 673,000, at an increase of $35,000,000

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in the annual expenditure, and a non-recurring cost of $145,000,000. The total furlough during active service would be four months. Families whose sole supporter was in the army would receive subventions of a franc a day plus a half a franc for each child under 16. Dispensations to students of technical colleges would be greatly restricted.—The passage of the Army Law aroused fresh indignation in Paris. "*À bas l'Armée!*" was the battle-cry of the rioters who assembled on August 17, and again on the twenty-third; a communist and anarchist congress discussed the efficacy of the general strike; and one of the most ardent champions of three-year service was stabbed.— To meet the increased expenditure for military purposes, it was reported that an internal loan of $300,000,000 would be raised; according to other reports the exigency would be met by progressive income taxes, or by higher taxes on alcohol and on electric lamps and cinematograph films.—Persistent rumors of secret negotiations for the renewal of **diplomatic relations with the Holy See** were emphatically denied by the premier, M. Barthou, at a meeting of the anti-Catholic league of school-teachers at Aix-les-Bains. In September the Marist Fathers of Toulon, who for half a century had maintained a school for boys, were expelled from their buildings.

GERMANY.—The **Army Bill** (see last RECORD, p. 377) passed the committee stage on May 28, thanks to the acquiescence of the Social Democrats, who were willing to abate their opposition to militarism if in return they might have a hand in determining how the needful funds should be raised. The Conservatives and Centrists, on the other hand, feared the imposition of "socialistic" taxes. The antagonism of the extreme parties enabled the National Liberals to exercise a deciding influence in the Reichstag, securing the army increase, and even adding three more cavalry regiments to those proposed by the committee, so that the peace footing of the army would be augmented by 4000 officers, 15,000 non-commissioned officers, 117,000 men, and 27,000 horses. On the financial provision for the Army Bill, a compromise was effected. The general Finance Law, involving the maintenance of a sugar tax, and the enlargement of the war treasure, was unpalatable to the Social Democrats, but it was offset by the imposition of a tax on property-increments. The "non-recurring levy on property," however, was modified to conciliate the Right; and princes of the empire were exempted from the tax on property-increments. These arrangements were especially interesting from a constitutional standpoint, inasmuch as the right of the federal government to lay direct taxes on property in the states of the empire had not hitherto been asserted. As thus reconstructed, the Army and Finance Bills were finally passed by the Reichstag on June 30, just before that body adjourned to November 20. Both bills were approved by the Bundesrat on July 3.—The additions to the army under the new law were carried out in October, when 90 per cent of the projected increases were to become effective, under the direction of Major-General von Falkenhayn, who became Prussian war minister upon

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the death of General von Heeringen early in July.—The minister of marine, Admiral von Tirpitz, announced in October that the British overtures for a "naval holiday" would not retard German naval construction. A new dreadnought was given the name "Grosser Kurfürst" by the Kaiser's fifth son.—That great armament firms, such as the **Krupp** company, had connived with corrupt military officials greatly to stimulate militarism in Germany, for their own gain, was the purport of charges made in April by the Social Democratic deputy, Dr. Liebknecht. A Prussian military court opened an investigation. As the trial progressed, sensational disclosures were made, implicating several officials and younger officers, who were forthwith sentenced to short terms of imprisonment. Late in October the court proceeded to try certain Krupp officials for bribing government officials to betray military secrets.—In October a commission appointed three years previously to revise the **penal code** recommended life-imprisonment as an alternative with the death-penalty for culprits convicted of high treason or of murder in the first degree.—A **physicians' strike** was decided upon in October by the Congress of German Medical Associations, representing 21,207 practitioners, as a protest against a recent revision of the national insurance law. On July 15 almost 2000 workers in the Hamburg shipyards struck for higher wages and a week of fifty-two hours in place of fifty-five. The **shipping-strike** spread to Stettin, Bremen and Kiel, but collapsed towards the end of August.—The feasibility of a general strike for political ends, as advocated by Rosa Luxemburg, was considered by the **Jena Convention** of the Social Democratic Party to be very dubious until the workers were better prepared for the struggle. The convention elected Herr Friedrich Ebert to lead the party in the Reichstag, in place of Herr Bebel, who died on August 13.—For court circles the period was enlivened by Emperor William's jubilee on June 16, in August by the centennial celebration in Bavaria of the War of Liberation, and in October the centenary of the "Battle of the Nations" fought at Leipzig in 1813. In August the emperor was present at the opening of a new chapel in Posen, and was well received by the Polish nobility there. The lower classes, however, remembered the emperor's insistence on the Polish expropriation law, and vented their spite by smashing windows.—The reconciliation of the Guelph and Hohenzollern families by the marriage on May 24 of Princess Victoria Luise of Prussia to Prince Ernst August of Cumberland, son of the exiled Guelph pretender to the throne of Hanover, was somewhat upset by the opposition of the Crown Prince of Prussia, who openly demanded explicit renunciation of Prince Ernst's Hanoverian claims. The objections of the Crown Prince were overcome, however, and with the approval of the Bundesrat, Prince Ernst was seated on the ducal throne of **Brunswick** on November 1, thus ending the regency of Johann Albrecht.—The only other German regency, that of Prince Regent Ludwig in **Bavaria**, was about to be terminated; for late in October the Bavarian Diet passed a bill to dethrone the incurably insane King Otto, and to allow the very

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popular Prince Regent to ascend the throne.—It was reported by the *Vossische Zeitung* in October that the ministry of **Saxony** had recommended the suppression of the pension of Princess Luise, the divorced wife of the king.

AUSTRIA-HUNGARY.—The military precautions taken by Austria-Hungary in connection with the Balkan wars, not only retarded agriculture, but laid a heavy financial burden on the Dual Monarchy. For the purchase of war materials, the transportation of men, horses, and military paraphernalia, about $70,000,000 was spent, and it was estimated that the deficit in the Austrian budget for the first six months of the coming year would be $30,000,000, about one-tenth of the entire amount of the budget—$312,891,776. In spite of the fact that peace had been restored in the Balkans, an additional contingent of 35,000 recruits, and an increase of $10,500,000 in the army appropriation, were demanded by Austro-Hungarian military officials.—In Austria a considerable scandal was started in October by the closing of the Canadian Pacific Railway Company's offices in Vienna. The **Canadian Pacific,** as well as other steamship companies, it was said, had induced many Austrian citizens to emigrate before they had served in the army. More stringent emigration laws were therefore drafted by the Reichsrath.—As a result of continual bickerings between the Germans and the Czechs, the autonomy of **Bohemia** was temporarily suspended by Imperial Letters Patent issued July 26. The Bohemian Landtag was dissolved and a Commission of Administration took over the government. Although five of the eight commissioners were of their own race, the Czechs of Bohemia bitterly resented the infringement of the constitution and the suspension of the autonomy of their province.—In **Galicia** a heated campaign for a compromise between Poles and Ruthenians on the question of provincial franchise reform was embittered by the assassination in June of a Polish professor at Lemberg by a Ruthenian student.—The Lukacs ministry in **Hungary,** notorious for its manipulation of elections, for its anomalous Electoral "Reform" Bill and for its misgovernment of Croatia-Slavonia, was overthrown on June 5, after the corrupt practices of the prime minister had been exposed in court. Four days later Count Tisza formed a **new cabinet** in which all of the old ministers were retained, with the exception of the minister for Croatia, Dr. de Josipovich, and the minister of agriculture, Count Serenyi. The latter was succeeded by Baron Ghillanyi, while the post of the former was left vacant for the time being. To combat the new premier, who had earned an unenviable reputation as a tyrannical president of the House of Representatives, a **new constitutional opposition** was formed in September by Count Julius Andrassy. A few Independents and a number of the less violent Nationalists were united by Count Andrassy on a platform of franchise extension, vote by ballot, reform of parliamentary procedure, reconciliation of Hungarian unity with the rights of non-Magyar races, a separate customs-tariff and a separate state bank for Hungary. It was the intention of Count Andrassy's followers to abandon the obstruc-

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tionist tactics which had resulted in the expulsion of the old Nationalist opposition.—The termination in August of the oppressive rule of Edward Cuvaj as Ban of **Croatia-Slavonia** was hailed with joy by the inhabitants of those provinces. His successor, Baron Skerlecz, narrowly escaped assassination by an anarchist.

RUSSIA.—The **Duma** continued to be at odds with the government and lost no opportunity to display its displeasure. On one occasion M. Kokovtzoff met so humiliating a rebuff in the Duma that for a month thereafter he and his ministers refused to attend its sessions. On June 3 an Octobrist resolution was adopted by a majority of 164 to 117, censuring the minister of the interior for his maintenance of oppressive exceptional laws, and his imperviousness to reform. A fortnight had hardly elapsed before another minister was reproved by an Octobrist motion. This time it was the minister of education, who was blamed for the dry formality and hopeless impracticality of the educational system. Unintimidated, the government replied with a **Press Bill** in July, requiring printed matter to be submitted for an inspection which was tantamount to censorship. Two Labor dailies were suppressed, but reappeared under the new names, *Schivaja Schisny* and *Rabotschaja Prawda.*—The process of "Russifying" **Finland** went on quietly until in October a veritable storm of protest was aroused by the arrest of two members of the Helsingfors magistracy who had refused to apply the Russian law concerning the rights of Russians resident in Finland.—A conference at Kieff in October enabled delegates from numerous Russian towns to air their views on municipal reform.—The same city was greatly agitated by outbreaks of **anti-Semitism** during the trial in October of Mendel Beiliss, a Jew, who was accused of murdering a Christian boy, Andrew Yushinsky, in accordance with certain mystical rites falsely attributed to the Jewish religion.—A large island north of **Siberia** was discovered and claimed for the tsar under the name "Nicholas II Land."—The visit of a Russian squadron to the United Kingdom in October directed attention to the growth of the Russian **navy**, on which about $115,500,000 was to be expended during the current year.—It was estimated that in 1914 over $40,000,000 would be spent on **Siberian railways**: $5,000,000 to double-track the Trans-Siberian railway, $3,250,000 on the Ussuri railway, $32,000,000 on the Amur railway, and $500,000 on a line from Verkhne-Udinsk to Kiatche.

ITALY AND THE HOLY SEE.—Prior to its dissolution in October the **Chamber of Deputies** transacted little business of importance. A bill to allow women to vote in municipal elections found little support except from a handful of recognized advocates of woman suffrage, among whom Baron Sonnino was the most prominent. Charges of corruption in connection with the construction of the new Palace of Justice occupied much attention in May, and in July resulted in the resignation of two deputies, Signor Tomaso Mosca and Signor Riccardo Luzzato.—The keels of two "colonial cruisers" were laid during September, and the ministry of marine was re-

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ported to have a well worked out program of naval construction ready to lay before the next session of the Parliament.—In calling a general election for October 26, Premier Giolitti gave out a **statement of policy** which emphasized the benefits of colonial expansion and the need for military occupation of the interior of Libya. He declared that the armament of Italy was to be strengthened, and urged that measures should be taken for the regulation of labor disputes, the provision of accident insurance for workmen, and the institution of educational and hygienic reforms. With this program Signor Sonnino, leader of the Constitutional Opposition, found no fault; but in a manifesto addressed to his supporters he advocated an extension of old-age pensions in addition to the reforms projected by the government. The real issue was on the question of clericalism, the Catholics hoping that should the opposition leader become premier, more friendly relations would be established with the Vatican. Anti-clerical demonstrations in Rome were frequent in September. As election time drew near, great interest was displayed in the question whether the *non-expedit* would keep Catholic voters from the polls. In the diocese of Como the prohibition was declared in full force, and in certain sections of Rome the Catholic Electoral Union refrained from participation in the election. Elsewhere, however, many Catholics took advantage of the withdrawal of the *non-expedit* to cast their suffrages for Clerical candidates or for Moderates pledged to oppose anti-clerical legislation. Additional interest attached to the **election** by reason of the fact that under the new electoral laws the number of voters was increased from 3,247,722 to 8,635,148. The right to vote is now enjoyed by all males over 21 years of age, with the exception of illiterates under thirty who have not served in the army. Considerable anxiety was felt about the effect of enfranchising the great mass of ignorant soldiers, but the results were reassuring. To be sure, some rioting occurred at Cesovia, Aversa, Amalfi, Catania, Bari and Palermo; but in general, the balloting was orderly. According to preliminary returns the Socialists had made considerable gains, as was to be expected from the enlarged electorate, but the government had been returned to power. Several prominent candidates were defeated, however, among them being Prince Borghese, Duke di Caetani, Campanozzi, "Father" Murri and Ricciotti Garibaldi, son of the famous Giuseppe Garibaldi. In Rome the municipal elections went against the anti-clerical *bloc* of Radicals, Republicans and Socialists, and it was predicted that Mayor Nathan would shortly resign. The Italian forces at **Tripoli** under General Leguio succeeded in crushing the insurrection which Soliman-el-Baroni (see last RECORD, p. 379) had stirred up among the Berbers of the western mountains; and on April 27 Captain Pavone administered oaths of allegiance to many southern sheikhs at Ghadames, on the western border. Other expeditions occupied Misda, and Sokna, on the route to Murzuk. In the eastern half of the Cyrenaican plateau a stubborn resistance was encountered. In June, however, the Arab forces investing Derna were dispersed, and on July 19, General Briccola reported an im-

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portant victory at Jobruk, east of Derna.—The parade of the Catholic gymnastic associations, which were reviewed by the **pope** in September, occasioned a disorderly manifestation of anti-clericalism in Rome. Similarly when Cardinal Agliardi attended the Seventh Annual Convention of Catholics at Marino, on September 28, he had to be conducted by a military escort. In August Bernadotte Soubireus, whose vision of the Immaculate Conception in 1858 first led to the now frequent pilgrimages to Lourdes, was declared "venerable" by the Congress of Rites, as a first step towards her canonization.

SPAIN.—The weakness of the **Liberal ministry** of Count Romanones became apparent on May 30, four days after the reassembling of the Cortes, when the premier tendered his resignation and was retained only by the personal insistence of King Alphonso. Hoping for support from the radicals, Count Romanones then offered to further the Republican program of democratic reform. The working-classes in Seville rejoiced at such a possibility, but were soon disappointed, when, on June 11, the premier again resigned, after an adverse vote in the Senate had betrayed the lack of unity in the Liberal Party. Again he returned to power, however, with a cabinet strengthened by the inclusion of Señor Ruiz Jiminez as minister of education, Señor Rodriguez Borbolla as minister of justice, and Señor Lopez Munoz as minister of foreign affairs. Count Romanones had bolstered up his government, but not removed its weakness. The Liberal Party, none too strong when united, was pitifully divided over the question of extending local autonomy to the unruly province of Catalonia. The Liberals in the Senate failed to coöperate with the government, and a woeful lack of unanimity was shown after the resignation of Señor Montero Reños from the presidency of the Senate, when three prominent Liberals, among them General Weyler, participated in a disorganized contest for the place. The split in the Liberal party became complete on October 21 when Señor Garcia Prieto attacked the premier before a meeting of 125 dissident Liberal members of the Cortes. No help or coöperation could be expected from the Conservatives, for the irreconcilable character of their opposition (see last RECORD, p. 380) had, if anything, been aggravated by the government's overtures to the Republicans and by the rumors of an understanding with France (see *supra*, p. 709). Nor could the ministry rely upon support from the Republican-Socialist coalition. True, Señor Alvarez was won over, and on October 7 Professor Azéarate gave the country the remarkable spectacle of a Republican deputy attending a royal reception; yet the rank and file of the radical group could not be conciliated while the Moroccan war was continued. The situation in **Morocco** was discouraging (see *infra*, p. 752); it was reported that Spain had increased her public debt by $30,000,000 and wasted the lives of thousands of soldiers in the futile conquest of a barren territory, yet the "pacification" of Morocco seemed as far away as ever. The discontent broke out in riots at Barcelona and at Madrid; the Republican orator, Señor Lerroux, became more threatening in his de-

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nunciations of the Moroccan policy; and a storm of indignation broke when a royal decree of October 20 established a Bureau of Moroccan Affairs. Still another cause for complaint was found in the industrial situation. In Barcelona, where the government had recently intervened to settle a strike, murmurs of dissatisfaction were heard, and in the Huelva district some 20,000 miners inaugurated a **copper strike** on October 17.—It became clear that the Liberal ministry would be unable to survive these difficulties, and Señor Maura, the Conservative leader, was looked upon as the logical successor of Count Romanones. It was feared, however, that the radicals, remembering the execution of Francisco Ferrer, would rise in rebellion should Señor Maura again become prime minister. Possibly for this reason, and possibly also because the Conservatives could not command a majority in the Cortes, Señor Maura refused to form a cabinet upon the resignation of Count Romanones, October 25. Señor Eduardo Dato was selected to undertake the task which Señor Maura had declined, and succeeded in forming a ministry representative of all the elements in the Conservative party.

PORTUGAL.—The Radical Republican **ministry** of Dr. Costa was disturbed, but not seriously threatened, by repeated **insurrections** of the two parties of irreconcilables, the Syndicalists and the Monarchists. On April 26, and on June 10, and again on July 20 and 21, Lisbon was disquieted by parties of bomb-throwing anarchists. On all of these occasions, order was quickly restored by the police. In September a plot to assassinate the premier was discovered and frustrated. A monarchist conspiracy produced isolated outbreaks in Lisbon on the night of October 20. Rioters attempted to release the royalist prisoners, to destroy railway bridges, and to cut off communication with Oporto. Captain Ceutinho, who was expected to lead an army from the northern frontier to aid the reactionaries, failed to appear, however, and the movement in Lisbon only gave the government a reason for imprisoning a few more monarchists.—As another expression of the lingering **royalist** sentiment, it is interesting to note the congratulations sent by a group of his former subjects to ex-King Manoel, on the occasion of his marriage to Princess Augustine Victoria of Sigmaringen-Hohenzollern on September 4.—The bishop of Oporto was reprimanded in a police court for administering confirmation in his diocese in defiance of the government.

TURKEY.—Army officers hostile to the Committee of Union and Progress and aggrieved associates of the murdered Nazim Pasha (see last RECORD, p. 381), led a virulent reaction against the Young Turk **ministry**. The cession of Turkish territories by the Treaty of London (see *supra*, p. 706) was bitterly denounced by the Opposition, and the excitement culminated in the murder of the grand vizier, Mahmud Shevket Pasha, on June 11. The Young Turk government survived the shock, however. As a stern warning to malcontents twelve persons were publicly hanged for suspected complicity in the assassination plot, and the Committee utilized the conspiracy as an excuse for exiling some three hundred of its political

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opponents. The **reorganized ministry** was headed by Prince Said Halim, leader of the Committee (see RECORD of December, 1912, p. 765), as grand vizier and foreign minister, other portfolios being distributed as follows: president of the council, Halil Bey; Sheikh-ul-Islam, Mehmed Essad Pasha; interior, Talaat Bey; war, General Izzet Pasha; marine, Mahmud Pasha; justice, Ibrahim Bey; finance, Rifaat Bey; education, Shukri Bey; commerce and agriculture, Suleiman el Bustani; public works, Osman Nizami Pasha; pious foundations ("Evkaf"), Hairi Bey; posts and telegraphs, Oskian Effendi. The position of the ministry was materially strengthened in July by the circumstances of the second Balkan war (see *supra*, p. 707), which enabled Turkey, as one of the assailants of Bulgaria, to reoccupy Adrianople on July 22. The Young Turks appeared to have been successful after all in their endeavor to "save the national honor" (see last RECORD, p. 381). Rumors of friction between General Enver Bey and the ministers on the question of the retention of Adrianople regardless of the Treaty of London were discredited as soon as it became known that the Treaty of Constantinople between Turkey and Bulgaria (see *supra*, p. 708) secured to the Ottoman empire not only Adrianople, but Dimotika and Kirk-Kilisseh as well. This astonishing diplomatic victory inspired the ministry with renewed confidence, despite the fact that in order to defray the expenses of the July war and of continued preparedness for a possible Greek war (see *supra*, p. 708), extensive foreign loans would be required. The conduct of internal affairs was in striking contrast to the eminently successful foreign policy of the Turkish government. The **Armenian** Christians renewed their perennial complaints against the "nationalizing" tendency of the Young Turk party, against attempts to suppress the Armenian language, and against the cruelties suffered by Armenians at the hands of Kurdish tribesmen. Anti-Christian outbreaks were also reported in the neighborhood of Rodosto.—In **Syria**, i.e. the inability of the government to maintain order was painfully manifest in the recrudescence of lawlessness among the robbers who, infesting the mountains about Beirut, made a regular business of smuggling arms into the country.

THE BALKAN STATES.—The successful intervention of **Rumania** in the Second Balkan War (see *supra*, p. 707), attended as it was by relatively slight sacrifice of life or money, ensured the popularity of M. Majorescu's government. With the accession of the Silistrian territory, Rumania remained the most important of the Balkan states, numbering 7,600,000 souls as compared with the 5,500,000 of Bulgaria.—Participation in the Balkan war had so exhausted the resources of the diminutive kingdom of **Montenegro**, that when on May 5 King Nicholas, dismissing General Martinovitch and his cabinet, consented to make peace by surrendering Scutari to the powers, a general sense of relief was felt by his starving but loyal population. For at last it was possible to negotiate loans with the sanction of the powers. In September, an advance of $1,200,000 was received from French and Italian banks, bringing the total foreign indebtedness of Montenegro

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up to $3,175,000. Montenegro's share of the spoils of war swelled its population to about 500,000, almost double its former size. It was predicted that the Montenegrin port of Antivari would be developed by Servian capital and used as an Adriatic outlet for Servian commerce.—M. Pashitch, prime minister of **Servia**, encountered such vigorous opposition among his colleagues on account of his pacific policy towards Bulgaria, that on June 22 he presented his resignation to King Peter. M. Pashitch was upheld by the king, however, and continued to act as premier, but was unable to prevent the outbreak of war (see *supra*, p. 707). When peace was concluded, the government divided the new territory into eleven administrative departments, and set about restoring order and prosperity in the provinces devastated by war. In dealing with the newly-acquired districts, in which there was a considerable Bulgarian population, the ministry showed praiseworthy leniency; the Bulgarian schoolmasters were left unmolested, and the Bulgarian priests of the Exarchate schism were required simply to transfer their allegiance to the metropolitan of Servia. Besides Exarchists and members of the Orthodox Communion, the government had a considerable number of Roman Catholic Albanian subjects to deal with, but had not as yet determined its policy toward them.—Early in June Dr. Daneff was invited by King Ferdinand of **Bulgaria** to form a coalition government to succeed the Nationalist-Progressist cabinet of M. Gueshoff. When on June 14 Dr. Daneff became prime minister he found the treasury exhausted, the harvests spoiling for want of reapers, and foreign relations badly muddled. Unwilling to avoid war by concession, and unable by diplomacy to gain an ally, he involved Bulgaria in war with Greece, Servia, Montenegro, Turkey and Rumania. The Bulgarian defense collapsed before the onslaught of the numerous enemies, and it was charged that the *débâcle* was due to the failure of the ministry to work in harmony with the generals in the field. On July 15, in the midst of the war, Dr. Daneff was replaced by M. Alexander Malinoff, the Democratic leader. The immediate task of the new ministry was to secure peace at any cost. This was effected by the treaties of Bucharest and Constantinople. The question of electoral reform, which brought about M. Malinoff's resignation in 1911 (see RECORD of June, 1911, p. 379), was apparently postponed until after the establishment of order and security in the new Thracian territory and the negotiation of a much-needed loan.—Public opinion in **Greece** heartily endorsed the war for Salonica, and King Constantine, as a successful general and an enthusiastic leader in the struggle to establish a "Greater Greece," won a wider popularity than he had hitherto enjoyed.

OTHER EUROPEAN STATES.—The Liberal ministry in **Norway** inaugurated its program of democratic reform by introducing a bill for the extension of woman suffrage. As passed by the Storthing on June 11, the law allowed all women to vote in parliamentary elections without regard to the amount of their income tax. Women were also allowed to serve on juries. Another reform was the abolition of the royal veto on June 26.—

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As the result of a Radical victory in the May elections in **Denmark**, M. Klaus Berntsen lost his majority in the Folkething, and a Radical cabinet, drawn chiefly from the staff of the Radical journal *Politiken*, was constituted as follows: premier, M. Zahle; defence, M. Munch; finance and foreign affairs, M. Edvard Brandes; education and public worship, Rev. K. Nielsen; agriculture, M. Pedersen; interior, M. Ove Rode; public works and commerce, M. Hassing Juergensen. In announcing the provisions of the budget for 1914–15, the new minister of finance estimated that there would be a surplus of $1,000,000, notwithstanding the additional expense incurred in the establishment of free employment bureaus. A Constitutional Reform Bill similar to the one rejected by the Landsthing in 1912 was passed by the Folkething by the overwhelming majority of 101 to 6. The members of the upper house were hostile to the bill because, if it passed, it would require them to seek election not from a wealthy minority, but at the hands of the popular communal and municipal councils. Late in October it was reported that, subject to the verdict of the elections next Easter, it had been determined to extend a greater measure of home rule to Iceland, and to grant that dependency a new charter, in which universal adult suffrage would be recognized.—Early in May the Second Chamber of the States-General of the **Netherlands** passed a Coast Defense Bill which authorized the fortification of Flushing and the expenditure of $5,000,000 on military work. The elections in June gave the Left a majority in the Second Chamber, which was composed of 25 Catholics, 11 Calvinists, 9 Christian Historians, 37 Liberals and 18 Socialists. Dr. Th. Heemskerk, the premier, resigned on June 27. The Liberals and the Socialists, who together controlled a majority, refused to form a coalition ministry, and consequently Queen Wilhelmina empowered State Councillor Cort van der Linden, a Liberal, to form an extra-parliamentary cabinet. The new cabinet announced at the opening of the States-General on September 16 that bills would be introduced for the extension of the parliamentary franchise, and the enfranchisement of women. These promises were too weak to suit the advocates of female suffrage, and an orderly demonstration was instituted.—In **Belgium** the Military Bill (see last RECORD, p. 382) was passed by the Chamber of Representatives on May 30; it imposed compulsory universal military service and, when put into effect, would give Belgium an augmented peace footing of 42,000, an effective field army of 170,000, and a reserve of 200,000. The expense, estimated at almost $57,000,000, would be covered by a foreign loan redeemable in 25 years. The expansion of revenue needed for military and other purposes was obtained by the imposition of a stamp tax, an inheritance tax and a tax on operations on the Bourse. A meeting of the Belgian Democratic League on September 28 declared in favor of woman suffrage, but disapproved of simple universal suffrage.—In **Switzerland** a petition in favor of proportional representation received 121,000 signatures, over double the number required to insure its consideration and submission to a popular refer-

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endum. Another petition, that all treaties concluded for a period of more than 15 years should be submitted to the people, had received 45,000 signatures.

VI. ASIA AND AFRICA

JAPAN.—The coalition ministry experienced difficulty in reconciling the demands of adequate defense with those of economy. In June the premier announced that the policy of **retrenchment** (see last RECORD, p. 383) would be carried out, and that the expenditure on public works would be cut down or postponed, and that almost 5000 useless officials would be discharged. Economy in the army, however, was loudly denounced by the Army party, and rumors of trouble were confirmed when General Kikoshi tendered his resignation on June 24. The new minister of war, General Kusunose, was reputed to be able and to be determined to effect the policy of economy.—The supreme court of Seoul confirmed the decision of a lower court, which had sentenced to six years' imprisonment six of the 105 **Koreans** charged with conspiring against the life of Governor-General Count Terauchi in 1910.—The more conservative group of Japanese politicians lost their leader, Prince Taro Katsura, the famous ex-premier, who died on October 10.

CHINA.—The feud between Yuan-Shi-kai and the Kuo Ming Tang or democratic party (see last RECORD, p. 383) precluded the possibility of orderly government. The members of the Kuo Ming Tang in the Senate, after electing one of their number as president of that body, attempted to cripple the government by repudiating the quintuple loan (see last RECORD, p. 353) concluded by Yuan. In the House of Representatives, Yuan succeeded in getting one of his supporters, Tang Hua-lung, elected to the speaker's chair, but he soon lost control over that body and could not induce it to approve his loans. On July 14 the House went so far as to pass bills impeaching the ministers.—While the legislature had been developing a combative spirit, trouble was brewing in the southern provinces. Agitators threatened to avenge the death of General Sung (see last RECORD, p. 383), and they seemed to have done it when on May 24 General Hsu Pao-san, one of Yuan's staunchest supporters, was killed by a bomb. As it became ever clearer that their representatives in the Parliament could never hope to control the president, the leaders of the democratic element in the south, including Dr. Sun Yat-sen, began to prepare for armed insurrection. The **revolt** of the southern provinces began in July when the ex-Tutuh of Kiang-si, who had been dismissed by Yuan for insubordination, returned to his province and took up arms against the government. Northern troops were hurried into Kiang-si, but they were powerless to check the spread of the revolt, which soon infected Sze-chuen, Hu-nan, Ngan-hui, and the coastal provinces of Kwang-tung, Fu-kien, Cheh-kiang, and Kiang-su. Troops stationed in Nanking and Canton joined the rebellion and marched north against Yuan. It was even feared that the navy would desert the government, but this catastrophe was averted by a timely

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payment of wages to the sailors, and it was due to the assistance of the fleet that the government troops in Shanghai were able to hold the arsenal there against rebel attacks. Even in the preliminary encounters the rebels were worsted. Losing heart, the Nanking army fell back, and the rebel troops in Kiang-si withdrew into the mountains. The Cantonese rebels were also defeated. The insurrectionary forces in Nanking, however, held out through August, and withstood a protracted siege, but on September 1 they surrendered the city and the revolt collapsed.—The cost of suppressing the rebellion had so embarrassed the treasury, that the president felt it necessary, if possible, to conciliate the parliamentary opposition as a first step towards adopting a constitution and obtaining recognition from the powers. He therefore appointed a **new cabinet** which would be more acceptable to the Parliament. The premier and minister of finance, Hsuing Hsi-ling, had been a member of the first republican cabinet and was approved by both houses of the legislature. The other ministers were: foreign affairs, Sun Pao-Chi; interior, Chu Chi-chien; justice, Wiang Chi-chiao; education, Wang Ta-hsien; industry, Chang Chien; communications, Chow Tze-chi. With the new cabinet all went well for a time. The constitutional provisions regarding **presidential elections** were hurriedly drafted and adopted. On October 6, the two chambers met in joint session to elect a president for the ensuing five years. Yuan Shi-kai was chosen on the third ballot by a majority of 507 to 179; and on the following day Li Huen-heng was elected vice-president. In his inaugural address on October 10, Yuan made it clear that he would persist in his policy of firm government and foreign loans. The Kuo Ming Tang, hoping to reduce the president to a figure-head and to establish a responsible ministry, again became troublesome. Consequently on November 5 the party was dissolved by a presidential decree, while its members in the House of Representatives, almost 300 in number, were deprived of their seats, leaving Yuan Shi-kai practically **dictator** of China.

PERSIA.—The coalition government which came into power in January (see last RECORD, p. 384) met with no serious difficulty until in response to criticism of his recent railway concessions (see last RECORD, p. 354), the foreign minister, Vosukh-ed Dowleh, resigned his portfolio in May. He was reinstated, however, and the government weathered the storm. British financial support made it possible to put the *gendarmerie* on a much more effective basis; although this did not prevent the capture by brigands of a large rug caravan between Kermanshah and Bunder Abbas in June. Late in September, however, the *gendarmerie* annihilated a band of cattle-raiding Lurs at Burujird, taking 33 prisoners and killing about 70. Moreover, it was reported that Salar-ed Dowleh, the rebellious brother of the ex-Shah, had surrendered to a government force near Senneh—although a later rumor had him at liberty in the neighborhood of Kermanshah.—The Persian situation took on a new aspect with the return of the regent, Nasr-el-Mulk. That irresponsible official, after conferring with the Persian ministers Vosukh-ed-Dowleh and Mustaufi-el-Mamelik in Paris, returned

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to Persia late in September; and it was freely predicted that, as the associate of the regent, the eighteen-year-old shah would serve his apprenticeship in the craft of ruling. The reconciliation between the ministry and Ain-ed-Dowleh, effected soon after the regent's return, was proclaimed by the appointment of Ain-ed-Dowleh as minister of the interior.

MOROCCO.—As a prelude to the opening of the Moroccan port of Agadir, that place was reoccupied by troops from Mogador under the protection of **French** warships. The French column operating in the Tadla district succeeded in defeating the Mohad-oud-Said tribesmen in June. As an evidence of the more peaceful aspect of French influence, the opening of a chamber of commerce at Casablanca in October may be cited.—The Spanish army of occupation encountered determined resistance from the Moors in northern Morocco. Tetuan was surrounded and the road from Tetuan to Ceuta was infested by hostile tribesmen. In a battle at Ben Carrix on June 24, as many as 10,000 Spanish soldiers were engaged. In August the Spanish forces won several minor victories and early in September the Moors were driven back from Tetuan. General Silvestre pursued the Moorish leader, Raisuli, and in October it was reported that General Silvestre had captured the Moorish stronghold at Zarkuntz.—Fighting also occurred on the Anjera coast, which was bombarded by the Spaniards on June 18, and at Alhucemas, where the crew of a wrecked gunboat were set upon and killed by Moors.

OTHER AFRICAN STATES.—In July the Permanent Committee of the Young Egyptian Association protested against proposed constitutional changes in the government of **Egypt** whereby the Legislative Council and the General Assembly would be combined to form one Legislative Assembly of 66 elected and 17 appointed members.—The republic of **Liberia** received a gift from the American Colonization Society of $65,511, with which it was proposed to establish an industrial school for aborigines.—The railway through **German East Africa** was continued to a point 210 miles west of Tabora.

[For colonies and dependencies in Africa and Asia, see the United States, the British Empire and the Continental European states, *supra*.]

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